



# Governance & Leadership Committee

## Agenda

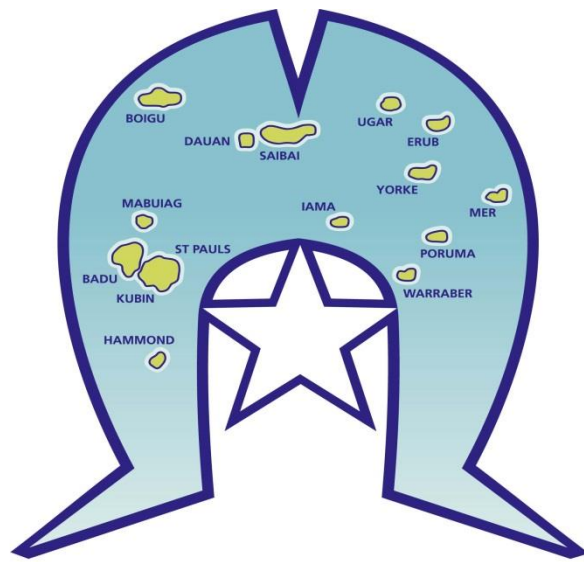
<b>Date:</b>	18 October 2023
<b>Time:</b>	10.00am to 12.00nn
<b>Venue:</b>	(VC) VMR 8 – 0299 165 402 Guest PIN: 6905#

# Agenda

TSIRC Governance and Leadership Committee Meeting – 18 October 2023

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Time	Agenda
10.00am	1. Welcome & Quorum Confirmation (Chair)
10.05am	2. Opening Prayer
10.10am	3. Attendance / Apologies
10.20am	4. Conflict of Interest (COI) - Declarable/Prescribed
10.25am	5. Noting of Ratified Minutes of the Committee Meeting held on 13 June 2022
10.30am	6. Delegations Update
11.45am	7. General / Other Business (on notice)
11.55am	8. Next Meeting Date: <b>Monday, 27 November 2023</b>
12.00nn	9. Closing Remarks & Prayer



**Torres Strait Island**  
REGIONAL COUNCIL

# Minutes

## GOVERNANCE AND LEADERSHIP COMMITTEE

Date: 13<sup>th</sup> June 2022  
Time: 10:00am to 12:00pm  
Venue: Video Conference

**PRESENT:**

Cr Getano Lui – Chair, Division 9, Iama  
Cr Lama Trinkoon – Committee Member, Division 6, Kubin  
Cr Dimas Toby – Committee Member, Division 1, Boigu  
Ms Megan Barrett – Executive Director Corporate Services  
Mr Peter Krebs – Manager Legal Services  
Ms Naila Nomoa – Minute Taker (Secretariat Team)

**APOLOGIES:**

**1. Welcome (Chair)**

Cr Getano Lui welcomed staff and councillors.

**2. Opening Prayer**

Cr Getano Lui invited Cr Dimas Toby to open with a word of prayer.

**3. Apologies**

Nil

**4. Declaration of Conflict of Interest (COI) (Prescribed and Declarable)**

No COI declared

**5. Confirmation of Minutes – 10<sup>th</sup> November 2021**

Moved; Cr Lama Trinkoon Second: Cr Dimas Toby

**6. Confirmation of draft discussions of Committee Meeting – 28<sup>th</sup> February 2022**

Meeting was noted on Monday 28<sup>th</sup> of February 2022 as conversation.

Cr Getano Lui and Executive Director, Corporate Services Ms Megan Barret will meet in person for further discussion.

**7. Action Items List – Nil**

Nil.

**8. LEGAL – Delegations Update:**

Manager of Legal Services spoke to report.

Manager of Legal Service reads recommendation.

Cr Lama Trinkoon left meeting.

**Recommendation:**

*Moved; Cr Dimas Toby Second; Cr Getano Lui*

**That the Committee recommend to Council that under section 257 of the Local Government Act 2009, Council delegate to the Chief Executive Officer the exercise of powers under the Residential Tenancies and Rooming Accommodation Act 2008 ('RTRA'), the water supply (Safety and Reliability) Act 2008 ('WSSR'), and the Public Health (Infection Control for Personal Appearance Services) Act 2003 (Qld) ('PHIC') and these powers must be exercised subject to Ailan Kastom and any limitations contained in Schedule 2 of the attached instruments of Delegation.**

**9. Culturally appropriate recruitment and orientation at TSIRC – Verbal**

Executive Director, Corporate Services Ms Megan Barret gave a verbal update and invited committee to give feedback.

- Re-examine position description
- Standard interview questions e.g.; 'do you understand "Ailan Kustom"'
- Education around Belcarra reforms
- Revised standard wording of position description and advertisement
- Feedback of cultural awareness document
- Recruitment Guidelines similar to TSRA and DATSIP could be used as an example.

Cr Getano Lui

- Communication
- Working together
- Approach together
- Belcarra

Cr Dimas Toby

- Support Cr Getano Lui comments.
- Culture and drive behind on how council operates.

**10. General/ Other Business (on notice)**

Cr Getano Lui

- enquired about the role of the governance and leadership committee.
- Understands with the emails from Mayor Phillemon Mosby that Corporate Services is short staffed.
- Need to prioritise if regional governance should be number 1 discussion.
- Previous Indigenous Leaders Forum, TSRA did not support secretariat.
- Have a proactive approach as ministers don't know the past existence.
- 85<sup>th</sup> year celebration of the 1<sup>st</sup> councillors meeting held on Yorke Island.
- TSRA to hand-over native title to GBK.
- GBK constituents travelled to Yam Island to attend the 30<sup>th</sup> anniversary of the Torres Strait Flag and Mabo Day celebration.

Cr Dimas Toby

- Newly appointed Chief Executive Officer for TSRA had their 1<sup>st</sup> meeting with their board members.

Manager of Legal Services Mr Peter Krebs clarified Cr Getano Lui's enquiry about the role of the governance and leadership committee that committee's takes the pressure off the full council.

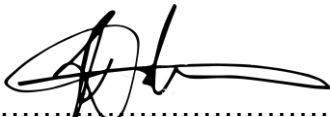
**11. Next meeting date**

- Monday, 29<sup>th</sup> August 2022 at 10am via Video Conference

Cr Getano Lui advised that dates to be changed and will confirm.

**12. Closing Prayer**

Cr Getano Lui closed the meeting with a word of prayer.



.....  
Mr James William  
Chief Executive Officer  
Torres Strait Island Regional Council  
Date: 28<sup>th</sup> June 2022



.....  
Cr Phillemon Mosby  
Mayor  
Torres Strait Island Regional Council  
Date: 28<sup>th</sup> June 2022



# TORRES STRAIT ISLAND REGIONAL COUNCIL

## GOVERNANCE AND LEADERSHIP STANDING COMMITTEE AGENDA REPORT

**MEETING:** October 2023

**DATE:** 17 October 2023

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

**SUBJECT:** Delegations Update

**AUTHOR:** Julia Maurus, Senior Legal Officer

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### Recommendations:

#### 1. Updates to existing delegations:

That the Committee recommend to Council (and the Trustee, as indicated) that under section 257 of the *Local Government Act 2009*, Council delegate to the Chief Executive Officer the exercise of powers under the following statutory instruments and these powers must be exercised subject to Ailan Kastom and any limitations contained in Schedule 2 of the attached Instruments of Delegation (consistent with Attachment 12):

Statutory Instrument:	The powers delegated are contained in Schedule 1 of the Instrument of Delegation attached to this report as:
State Penalties Enforcement Act 1999 ("SPEA")	Attachment 1
Residential Tenancies and Rooming Accommodation Regulation 2009 (Qld) (RTRR)	Attachment 2
Heavy Vehicle National Law (Qld) (HVNL) – minor technical corrections only	Attachment 3
Heavy Vehicle (Mass, Dimension and Loading) National Regulation (Qld) (HVNLR) – minor technical corrections only	Attachment 4
Industrial Relations Act 2016 (Qld) (INRA)	Attachment 5
Public Health Act 2005 (Qld) (PUHA)	Attachment 6
Plumbing and Drainage Regulation 2019 (Qld) (PLDR)	Attachment 7
Land Act 1994 (Qld) (LANA) <i>*Trustee resolution also required</i>	Attachment 8
Residential Tenancies and Rooming Accommodation Act 2008 (RTRA)	Attachment 9
Waste Reduction and Recycling Act 2011 (WRRRA)	Attachment 10
Biosecurity Regulation 2016 (BIOR)	Attachment 11

#### 2. Annual confirmation of existing delegations:

That the Committee recommend to Council (and the Trustee, as indicated) that under section 257 of the *Local Government Act 2009*, Council renew its delegation to the Chief Executive Officer to exercise powers under the following statutory instruments and these powers must be exercised subject to the consolidated "Schedule 2 Standard Limitations to the Exercise of Power" contained in **Attachment 12**:

<b>Statutory Instrument:</b>	<b>The powers delegated are contained in Schedule 1 of the Instrument of Delegation attached to this report as:</b>
Aboriginal Cultural Heritage Act 2003 (ACHA)	Attachment 13
Acquisition of Land Act 1967 (ACLA)	Attachment 14
Animal Care & Protection Act 2001 (ACPA)	Attachment 15
Animal Management (Cats and Dogs) Act 2008 (AMCD)	Attachment 16
Biosecurity Act 2014 (BIOA)	Attachment 17
Building Act 1975 (BUIA)	Attachment 18
Building Regulation 2021 (BUIR)	Attachment 19
Coastal Protection and Management Act 1995 (CPMA)	Attachment 20
Disaster Management Act 2003 (DIMA)	Attachment 21
Disaster Management Regulation 2014 (DIMR)	Attachment 22
Environmental Protection Act 1994 (ENPA)	Attachment 23
Environmental Protection Regulation 2019 (ENPR)	Attachment 24
Environment Protection (Water) Policy 2019 (EPWP)	Attachment 25
Fire and Emergency Services Act 1990 (FESA)	Attachment 26
Food Act 2006 (FOOA)	Attachment 27
Housing Act 2003 (HOUA)	Attachment 28
Housing Regulation 2003 (HOUR)	Attachment 29
Information Privacy Act 2009 (INPA)	Attachment 30
Land Regulation 2020 (LANR)	Attachment 31
Land Title Act 1994 (LATA) <i>*Trustee resolution also required</i>	Attachment 32
Liquor Act 1992 (LIQA)	Attachment 33
Local Government Act 2009 (LOGA)	Attachment 34
Local Government Regulation 2012 (LOGR)	Attachment 35
Mineral Resources Act 1989 (MIRA) <i>*Trustee resolution also required</i>	Attachment 36
Public Health (Infection Control for Personal Appearance Services) Act 2003 (PHIC)	Attachment 37
Public Interest Disclosure Act 2010 (PIDA)	Attachment 38
Planning Act 2016 (PLAA)	Attachment 39
Planning Regulation 2017 (PLAR)	Attachment 40
Plumbing and Drainage Act 2002 (PLDA)	Attachment 41
Plumbing and Drainage Act 2018 (PLDA)	Attachment 42
Public Health Regulation 2018 (PUHR)	Attachment 43
Public Records Act 2002 (PURA)	Attachment 44
Queensland Heritage Act 1992 (QUHA)	Attachment 45
Right to Information Act 2009 (RTIA)	Attachment 46

Standard Plumbing and Drainage Regulation 2003 (SPDR)	Attachment 47
Transport Operations (Road Use Management) 1995 (TORA)	Attachment 48
Tobacco and Other Smoking Products Act 1998 (TOSP)	Attachment 49
Transport Infrastructure Act 1994 (TRIA)	Attachment 50
Water Act 2000 (WATA)	Attachment 51
Water Regulation 2016 (WATR)	Attachment 52
Work Health and Safety Act 2011 (WHSa)	Attachment 53
Waste Reduction & Recycling Regulation 2011 (WRRR)	Attachment 54
Water Supply (Safety and Reliability) Act 2008 (WSSR)	Attachment 55

### 3. Powers not delegated

And that the Committee recommend to Council not to delegate any of its powers under the following statutory instruments, as this legislation is not relevant to Council's local government area or (in the case of NDDF) it is not appropriate to delegate because land issues should be put to the trustee and council:

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

### Executive Summary:

This report presents an annual delegations update to the Committee, including updated statutory powers for endorsement of Council delegations to the CEO. Council previously directed Legal Services to put proposed delegations update through the Governance and Leadership Standing Committee prior to tabling them with Council, whilst ensuring statutory compliance.

### 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 has subscribed to a monthly delegations update service provided by MacDonnells Law. This service allows new and amended statutory powers to be presented to Council regularly for adoption, to ensure that TSIRC's delegations instruments are always up-to-date. Unfortunately, this service ended in August 2023.

5. The individual instruments of delegation are updated to reflect Council resolutions to date and are uploaded to Council's intranet for staff reference.
6. The sub-delegations register records sub-delegations from the CEO to an employee or contractor. 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. Updated sub-delegations instruments are being prepared for review by the CEO.
7. Authorised Persons are appointed by the CEO under the *Local Government Act 2009* following training (undertaken annually by Environmental Health Workers).

## **Comment:**

### **Updates to existing delegations**

8. Twelve statutory instruments have been amended, with the corresponding statutory delegations requiring Council review. The changes are as follows:

#### ***State Penalties Enforcement Act 1999 (Qld) (SPEA)***

9. The SPEA was amended by the *State Penalties Enforcement (Modernisation) Amendment Bill 2022 (Qld)*, which commenced on 10 June 2022. The amendments have been made to:
  - a. reflect the multiple roles of the registrar (i.e. as an authorised person, an administering authority or as registrar of SPER); and
  - b. expressly authorise the registrar (as administering authority) to disclose personal information of an alleged offender in relation to a particular infringement notice offence to the department or agency responsible for administration of the relevant legislation (the legislative administrator) for the purposes of enforcement of the offence – this includes investigating or prosecuting the offence, and applying to a court for a civil penalty or other order for the offence.
10. As a result of the changes, a new Part 9, Division 2A has been included which allows for the register (as an individual rather than as chief executive) to appoint a qualified person as an enforcement officer. Local government employees can be appointed as enforcement officers.
11. This law reform requires a new Instrument of Delegations.
12. Council previously delegated all powers under the SPEA to the CEO on 23 February 2021.
13. There are no trustee powers in the proposed Instrument of Delegations.
14. The proposed updated Instrument of Delegation for the SPEA is included as **Attachment 1**.

#### ***Residential Tenancies and Rooming Accommodation Regulation 2009 (Qld) (RTRR)***

15. The RTRR was amended by the *Residential Tenancies and Rooming Accommodation Amendment Regulation 2022*. The amendments have been made to support the changes that were made to the *Housing Legislation Amendment Act 2021*. Those changes were to progress the rental law reforms in respect to:
  - a. Supporting tenants and residents to enforce their existing rights by removing the ability for lessors and providers to end tenancies without grounds;
  - b. Providing an expanded suite of additional approved reasons for lessors/providers and tenants/residents to end a tenancy;
  - c. Ensuring all Queensland rental properties are safe, secure and functional by prescribing minimum housing standards and introducing compliance mechanisms to strengthen the ability to enforce these standards;

- d. Strengthening rental law protections for people experiencing domestic and family violence; and
- e. Support parties to residential leases reach agreement about renting with pets

- 16. This law reform requires a new Instrument of Delegations.
- 17. Council previously delegated all powers under the RTRR to the CEO on 19 July 2022.
- 18. There are no trustee powers in the proposed Instrument of Delegations.
- 19. The proposed updated Instrument of Delegation for the RTRR is included as **Attachment 2**.

***Heavy Vehicle National Law (Qld) (HVNL)***

- 20. The Delegations Instrument for HVNL has been updated to correct some administrative errors. There are no changes to the delegated powers.
- 21. Council previously delegated all powers under the HVNL to the CEO on 23 February 2021.
- 22. There are no trustee powers in the proposed Instrument of Delegations.
- 23. The proposed updated Instrument of Delegation for the HVNL is included as **Attachment 3**.

***Heavy Vehicle (Mass, Dimension and Loading) National Regulation (Qld) (HVNR)***

- 24. The Delegations Instrument for HVNL has been updated to correct some administrative errors. There are no changes to the delegated powers.
- 25. Council previously delegated all powers under the HVNR to the CEO on 23 February 2021.
- 26. There are no trustee powers in the proposed Instrument of Delegations.
- 27. The proposed updated Instrument of Delegation for the HVNR is included as **Attachment 4**.

***Industrial Relations Act 2016 (Qld) (INRA)***

- 28. The INRA was amended by the *Industrial Relations and Other Legislation Amendment Bill 2022* (Qld) which was assented to on 3 November 2022. Most of the provisions have commenced on proclamation with further changes to commence on a date to be fixed. The amendment seeks to strengthen a number of policy matters including, amongst other things, workplace sexual harassment, Queensland employment standards to personal and parental leave provisions, and entitlements for independent courier drivers.
- 29. This law reform requires a new Instrument of Delegations.
- 30. Council previously delegated all powers under the INRA to the CEO on 23 February 2021.
- 31. There are no trustee powers in the proposed Instrument of Delegations.
- 32. The proposed updated Instrument of Delegation for the INRA is included as **Attachment 5**.

***Public Health Act 2005 (Qld) (PUHA)***

- 33. The PUHA was amended by *Public Health and Other Legislation (COVID-19 Management) Amendment Bill 2022* (Qld) which commenced on 1 November 2022. The amendments seek to provide a framework to support the ongoing management of COVID-19 in circumstances where COVID-19 no longer requires the use of the Chief Health Officer's emergency powers.

- 34. Specifically, the changes provide those people authorised as emergency officers with the ability to enforce public health directions.
- 35. This law reform requires a new Instrument of Delegations.
- 36. Council previously delegated powers under the PUHA to the CEO on 18 March 2021.
- 37. There are no trustee powers in the proposed Instrument of Delegations.
- 38. The proposed updated Instrument of Delegation for the PUHA is included as **Attachment 6**.

***Plumbing and Drainage Regulation 2019 (Qld) (PLDR)***

- 39. The PLDR was amended by the *Plumbing and Drainage and Other Legislation Amendment Regulation 2022 (Qld)* which commenced on 2 December 2022. The amendments provide local governments with the ability to regulate the temporary installation of holding tanks and prescribe new requirements for the use and regulation of greywater. The changes required to the Table of Delegation are administrative in nature only.
- 40. This law reform requires a new Instrument of Delegations.
- 41. Council previously delegated all powers under the PLDR to the CEO on 18 March 2021.
- 42. There are no trustee powers in the proposed Instrument of Delegations.
- 43. The proposed updated Instrument of Delegation for the PLDR is included as **Attachment 7**.

***Land Act 1994 (Qld) (LANA)***

- 44. The LANA was amended by the *Land and Other Legislation Amendment Bill 2022 (Qld)*. The changes to the LANA commenced on assent. The amendments seek to introduce a more efficient pathway to initiate lease conversion as well as simplify, streamline and clarify policy intent for certain matters, including decisions not to renew leases.
- 45. This law reform requires a new Instrument of Delegations.
- 46. Council previously delegated very few powers under the LANA to the CEO on 23 February 2021, and made each subject to consultation with the Mayor and Divisional Councillor. It is proposed to renew these few existing delegations and conditions, and not to delegate the new and amended powers. This means that any matter concerning leases would be decided by Council rather than the CEO, unless Council passes a resolution to delegate power in relation to a particular leasing matter. This reflects Council's current practice.
- 47. This Instrument of Delegations contains trustee powers and will therefore require both local government and Trustee endorsement.
- 48. The proposed updated Instrument of Delegation for the LANA is included as **Attachment 8**.

***Residential Tenancies and Rooming Accommodation Act 2008 (Qld) (RTRA)***

- 49. The RTRA was amended by the *Local Government Electoral and Other Legislation (Expenditure Caps) Amendment Act 2023 (Qld)*. The amendments were made to the RTRA to reduce the frequency of rent increases to once a year to stabilise rents in the private rental market, including for residential tenancy agreements and rooming accommodation agreements, amongst other consequential amendments.

- 50.
- 51. This law reform requires a new Instrument of Delegations.
- 52. Council previously delegated all powers under the RTRA to the CEO on 19 July 2022.
- 53. There are no trustee powers in the proposed Instrument of Delegations.
- 54. The proposed updated Instrument of Delegation for the RTRA is included as **Attachment 9**.

#### ***Waste Reduction and Recycling Act 2011 (Qld) (WRRRA)***

- 55. The WRRRA was amended by the *Waste Reduction and Recycling and Other Legislation Amendment Act 2023*. The amendments were broad ranging however, most applicable to local government was the change to the amendment or suspension of a Resource Recovery Area declaration and payments regime to the local government.
- 56. This law reform requires a new Instrument of Delegations.
- 57. Council previously delegated all powers under the WRRRA to the CEO on 18 March 2021.
- 58. There are no trustee powers in the proposed Instrument of Delegations.
- 59. The proposed updated Instrument of Delegation for the WRRRA is included as **Attachment 10**.

#### ***Biosecurity Regulation 2016 (Qld) (BIOR)***

- 60. The BIOR was amended by the *Biosecurity (Polyphagous Shot-hole Borer) Amendment Regulation 2023 (Qld)*. The amendments were made to the BIOR to establish a biosecurity zone to deal with risks posed by polyphagous shot-hole borer and ensure the biosecurity zone deals with matters in a way that minimises the risk of incursion from same by preserving risk prevention and management procedures.
- 61. This law reform requires a new Instrument of Delegations.
- 62. Council previously delegated all powers under the BIOR to the CEO on 23 February 2021.
- 63. There are no trustee powers in the proposed Instrument of Delegations.
- 64. The proposed updated Instrument of Delegation for the BIOR is included as **Attachment 11**.

#### ***Stock Route Management Act 2002 (Qld) (SRMA)***

- 65. The SRMA was amended by the *Land and Other Legislation Amendment Bill 2022 (Qld)*. A number of amendments commenced on assent, with the remainder to commence on a date to be proclaimed. The amendments seek to improve recovery of costs which local governments incur in managing and administering the stock route network, and overall simplify the process for stock route management.
- 66. In February 2021, Council resolved not to delegate powers under the SRMA, on the basis of the recommendation that this legislation is not relevant to Council's local government area and delegations are therefore not required.
- 67. There is no proposed Instrument of Delegation for the SRMA.
- 68. The proposed delegations have been reviewed by Senior Legal Officer as per the usual practice:

- a. Powers that Council previously declined to delegate have not been recommended for delegation.
- b. Powers that MacDonnells Law recommends not be delegated have not been recommended for delegation.
- c. Powers not recommended for delegation are marked "N/A" in the delegations document.
- d. All conditions included in previous delegations have been carried over. Senior Legal Officer has consolidated the conditions into a single section that covers both Council's standard conditions and the conditions recommended by MacDonnells Law. This is to improve the readability of the Instruments of Delegations.
- e. Conditions imposed on all delegations 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, since 2021 Council has instructed that the delegate must take Ailan Kastom into account.

69. For continued operational efficiency and statutory compliance in all Departments, the delegations update should be submitted to Council for adoption.
70. The new Instruments of Delegations are recommended for the Committee's endorsement. They will then be put to Council for endorsement.

#### **Annual confirmation of existing delegations**

71. Under section 257(5) of the *Local Government Act*, a delegation from Council to the chief executive officer must be reviewed annually by the local government.
72. In addition to the nine Instruments of Delegations covered above, the remaining existing Instruments of Delegations (which were approved by Council in previous years) are recommended for re-endorsement by the Committee. They will then be put to Council for endorsement.
73. The remaining Instruments of Delegations are as follows, and the current Instrument of Delegations is attached for reference:

<b>ACT/REGULATION/STATUTORY INSTRUMENT</b>	<b>ATTACH MENT</b>	<b>COUNCIL RESOLUTION</b>	<b>TRUSTEE RESOLUTION</b>
Aboriginal Cultural Heritage Act 2003 (ACHA)	13	23 February 2021	N/A
Acquisition of Land Act 1967 (ACLA)	14	23 February 2021	N/A
Animal Care & Protection Act 2001 (ACPA)	15	23 February 2021	N/A
Animal Management (Cats and Dogs) Act 2008 (AMCD)	16	23 February 2021	N/A
Biosecurity Act 2014 (BIOA)	17	23 February 2021	N/A
Building Act 1975 (BUIA)	18	23 February 2021	N/A
Building Regulation 2021 (BUIR)	19	8 December 2021	N/A
Coastal Protection and Management Act 1995 (CPMA)	20	23 February 2021	N/A

Disaster Management Act 2003 (DIMA)	21	23 February 2021	N/A
Disaster Management Regulation 2014 (DIMR)	22	23 February 2021	N/A
Environmental Protection Act 1994 (ENPA)	23	23 February 2021	N/A
Environmental Protection Regulation 2019 (ENPR)	24	30 June 2021	N/A
Environment Protection (Water) Policy 2019 (EPWP)	25	23 February 2021	N/A
Fire and Emergency Services Act 1990 (FESA)	26	23 February 2021	N/A
Food Act 2006 (FOOA)	27	23 February 2021	N/A
Housing Act 2003 (HOUA)	28	23 February 2021	N/A
Housing Regulation 2003 (HOUR)	29	23 February 2021	N/A
Information Privacy Act 2009 (INPA)	30	23 February 2021	N/A
Land Regulation 2020 (LANR)	31	23 February 2021	N/A
Land Title Act 1994 (LATA)	32	23 February 2021	8 December 2020
Liquor Act 1992 (LIQA)	33	23 February 2021	N/A
Local Government Act 2009 (LOGA)	34	23 February 2021	N/A
Local Government Regulation 2012 (LOGR)	35	23 February 2021	N/A
Mineral Resources Act 1989 (MIRA)	36	23 February 2021	8 December 2020
Public Health (Infection Control for Personal Appearance Services) Act 2003 (PHIC)	37	19 July 2022	N/A
Public Interest Disclosure Act 2010 (PIDA)	38	23 February 2021	N/A
Planning Act 2016 (PLAA)	39	23 February 2021	N/A
Planning Regulation 2017 (PLAR)	40	23 February 2021	N/A
Plumbing and Drainage Act 2002 (PLDA)	41	23 February 2021	N/A
Plumbing and Drainage Act 2018 (PLDA)	42	18 March 2021	N/A
Public Health Regulation 2018 (PUHR)	43	23 February 2021	N/A
Public Records Act 2002 (PURA)	44	23 February 2021	N/A
Queensland Heritage Act 1992 (QUHA)	45	23 February 2021	N/A
Right to Information Act 2009 (RTIA)	46	23 February 2021	N/A
Standard Plumbing and Drainage Regulation 2003 (SPDR)	47	23 February 2021	N/A
Transport Operations (Road Use Management) 1995 (TORA)	48	23 February 2021	N/A
Tobacco and Other Smoking Products Act 1998 (TOSP)	49	23 February 2021	N/A

Transport Infrastructure Act 1994 (TRIA)	50	23 February 2021	N/A
Water Act 2000 (WATA)	51	18 March 2021	N/A
Water Regulation 2016 (WATR)	52	23 February 2021	N/A
Work Health and Safety Act 2011 (WHS Act)	53	23 February 2021	N/A
Waste Reduction & Recycling Regulation 2011 (WRRR)	54	23 February 2021	N/A
Water Supply (Safety and Reliability) Act 2008 (WSSR)	55	19 July 2022	N/A

74. The only proposed change to these Instruments of Delegations is the consolidation of the conditions that apply to delegations. Senior Legal Officer has consolidated the conditions into a single section that covers both Council's standard conditions and the conditions recommended by MacDonnells Law (see **Attachment 12**, compared to the conditions listed in Attachments 13 to 55). This is to improve the readability of the Instruments of Delegations.

## Considerations

### Risk Management

This is 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.

For continued operational efficiency and statutory compliance in all Departments, the delegations update should be submitted to Council for adoption.

The MacDonnells Law delegations update subscription service ended in August 2023. Council will therefore revert to the free LGAQ-sponsored King & Co delegations update service, which is generally done on an annual basis.

The final advice from the MacDonnells Law team was a reminder about the importance of managing the delegations register:

#### ***END OF SERVICE***

*We acknowledge that Council has unsubscribed from our service and this letter is the final monthly update to be provided.*

*Council is now responsible for ensuring the delegation of powers from Council to the Chief Executive Officer and the Chief Executive Officer to other operational officers of Council and the appointment of authorised persons, local government workers and other statutory created roles remains up to date and current so that Council is able to lawfully carry out its day to day functions and responsibilities. Council may suffer reputational or legal damage if legally correct delegations and appointments are not in place and kept current with relevant legislation. The same can be said for operational officers exercising powers under a mistaken belief that they have been formally appointed to specific roles or positions created by statute. It is important that Council establishes an accurate and compliant system of delegations, appointments and authorisations (including the assigning of powers to those appointed or authorised), to replace this service.*

### Council Finance

No finance implications.

## Consultation:

- MacDonnells Law

## Links to Strategic Plans:

TSIRC Corporate Plan 2020–2025

Delivery Pillar: People

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

**Statutory Requirements:**

*Local Government Act 2009*

*Local Government Regulation 2012*

*Torres Strait Islander Land Act 1991*

**Meaning of “Ailan Kastom”/Island custom**

Ailan Kastom is defined in the *Torres Strait Islander Land Act*, section 6, which is pasted below.

**Torres Strait Islander Land Act 1991**

**Section 6**

**Meaning of Island custom**

Island custom, known in the Torres Strait as Ailan Kastom, is the body of customs, traditions, observances and beliefs of Torres Strait Islanders generally or of a particular group of Torres Strait Islanders, and includes any such customs, traditions, observances and beliefs relating to particular persons, areas, objects or relationships.

The Audit Committee previously raised a query: *What is the effect of Ailan Kastom on delegations?*

Ms Mauro advised as follows:

Each delegate is required to take into account Ailan Kastom when exercising statutory powers. Many delegates have a limited understanding of traditional island law and custom (sometimes limited to the cultural awareness training that is delivered as part of employee induction). In practice, I think the requirement is for delegates to be aware of the cultural context of their decision-making and to seek guidance when the proposed exercise of statutory power may relate to Ailan Kastom. For example, Council specifically queried delegations relating to controlling beach access. If the delegate proposed to close access to a beach (or for that matter take any action relating to control over land), taking into account Ailan Kastom would mean that the delegate would need to communicate (at minimum, in an emergency situation) or consult with the Councillor to ensure that the proposed exercise of statutory power takes into account Ailan Kastom.

**Conclusion:**

That the Committee recommend to Council that under section 257 of the *Local Government Act 2009*, Council and the Trustee:

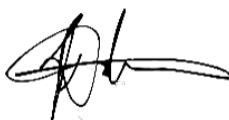
1. Update the delegation to the Chief Executive Officer of powers under 11 statutory instruments (listed in resolution 1, one of which requires a Trustee resolution);
2. Renew the delegation to the Chief Executive Officer of powers under 43 statutory instruments (listed in resolution 2, two of which require a Trustee resolution);
3. Decline to delegate to the Chief Executive Officer the exercise of powers under four statutory instruments (listed in resolution 3); and
4. Endorse the consolidated “Schedule 2 Standard Limitations to the Exercise of Power” contained in Attachment 12, applicable to all statutory delegations.



**Recommended:**

Martin Leech

A/Executive Director, Corporate Services



**Endorsed:**

James William

Chief Executive Officer

# **INSTRUMENT OF DELEGATION**

## **Torres Strait Island Regional Council *State Penalties Enforcement Act 1999 ("SPEA")***

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

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

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

**State Penalties Enforcement Act 1999 ("SPEA")****Part 3 – Infringement notices****Division 1 – Service of infringement notices**

Entity power given to	Section of SPEA	Description
Administering Authority	15(1)	Power to approve the form of the infringement notice.

**Division 3 – Obligations and options under infringement notices**

Entity power given to	Section of SPEA	Description
Administering Authority	23(3)(b)	Power to approve of an acceptable way, other than the approved form, of making an application for payment of fine through instalments.
Administering Authority	23(5)	In certain circumstances, power to approve application.

**Division 4 – Withdrawal and re-issue of infringement notice**

Entity power given to	Section of SPEA	Description
Administering Authority	28(1)	Power to withdraw an infringement notice at any time before the fine is satisfied in full.
Administering Authority	28(2)(a)	Power to serve on the alleged offender a withdrawal notice in the approved form.

**Part 4 – Enforcement orders****Division 1 – Default commences enforcement process**

Entity power given to	Section of SPEA	Description
Administering Authority	33(1)	Power to give to SPER for registration a default certificate for the relevant infringement notice offence.
Administering Authority	33(2)(b)	Power to approve of an acceptable way, other than the approved form, for how an election may be made.
Administering Authority	33(7)	Power to give an amended default certificate to State Penalties Enforcement Registry.

**Division 6 – Cancellation of certain enforcement orders**

Entity power given to	Section of SPEA	Description
Administering Authority	57(4)(b) <sup>1</sup>	Power to: (a) accept payment of the fine in full as stated in the infringement notice for the offence; or (b) issue a fresh infringement notice for the offence.

<sup>1</sup> The procedure for initiating proceedings is under the *Justices Act 1886* (Qld).

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**Part 9 –****Miscellaneous****Division 2 – Other enforcement related provisions**

<b>Entity power given to</b>	<b>Section of SPEA</b>	<b>Description</b>
Administering Authority	150(2)(a)(ii)	Power to determine an acceptable way of taking payment.
Administering Authority	157(2)	Power to sign a certificate for evidentiary purposes.

**Division 3 – General**

<b>Entity power given to</b>	<b>Section of SPEA</b>	<b>Description</b>
Administering Authority	162	Power to approve forms for use as infringement notices.

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

1. 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). The delegated power shall be subject to prior Council consultation where the exercise of any delegated power may in all reasonable likelihood:
  - (a) impact on land and/or sea; and/or
  - (b) involve payment of compensation regarding land; and/or
  - (c) require a budget amendment.
2. 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.
3. Unless a higher financial delegation is explicitly provided for in the delegation, any decision of the delegate must be made within the financial delegation of the delegate.
4. Unless explicitly provided for in the delegation, 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.
5. 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.
6. 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.
7. 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).
8. 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.
9. 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.

10. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.
11. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein. 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.

[2022 06 10 - SPEA - Delegation Instrument]

## DELEGABLE POWERS UNDER THE STATE PENALTIES ENFORCEMENT ACT 1999 ("SPEA")

### Part 3 – Infringement notices

#### Division 1 – Service of infringement notices

Entity power given to	Section of SPEA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	15(1)	Power to approve the form of the infringement notice.				

#### Division 3 – Obligations and options under infringement notices

Entity power given to	Section of SPEA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	23(3)(b)	Power to approve of an acceptable way, other than the approved form, of making an application for payment of fine through instalments.				
Administering Authority	23(5)	In certain circumstances, power to approve application.				

#### Division 4 – Withdrawal and re-issue of infringement notice

Entity power given to	Section of SPEA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	28(1)	Power to withdraw an infringement notice at any time before the fine is satisfied in full.				

Administering Authority	28(2)(a)	Power to serve on the alleged offender a withdrawal notice in the approved form.				
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#### **Part 4 – Enforcement orders**

##### **Division 1 – Default commences enforcement process**

Entity power given to	Section of SPEA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	33(1)	Power to give to SPER for registration a default certificate for the relevant infringement notice offence.				
Administering Authority	33(2)(b)	Power to approve of an acceptable way, other than the approved form, for how an election may be made.				
Administering Authority	33(7)	Power to give an amended default certificate to State Penalties Enforcement Registry.				

##### **Division 6 – Cancellation of certain enforcement orders**

Entity power given to	Section of SPEA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	57(4)(b) <sup>2</sup>	Power to: (a) accept payment of the fine in full as stated in the infringement notice for the offence; or (b) issue a fresh infringement notice for the offence.				

<sup>2</sup> The procedure for initiating proceedings is under the *Justices Act 1886* (Qld).

**Part 9 – Miscellaneous**

**Division 2 – Other enforcement related provisions**

Entity power given to	Section of SPEA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	150(2)(a)(ii)	Power to determine an acceptable way of taking payment.				
Administering Authority	157(2)	Power to sign a certificate for evidentiary purposes.				

**Division 3 – General**

Entity power given to	Section of SPEA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	162	Power to approve forms for use as infringement notices.				

[2022 06 10 - SPEA - Delegation Table]

# INSTRUMENT OF SUB-DELEGATION

**Torres Strait Island Regional Council**  
***State Penalties Enforcement Act 1999 ("SPEA")***

Under section 259 of the *Local Government Act 2009*, I, **James William**, 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 \_\_\_\_\_, 2023.

**James William**  
Chief Executive Officer  
**Torres Strait Island Regional Council**

**Position:** Head of Community Services

## POWERS SUB-DELEGATED

### *State Penalties Enforcement Act 1999 ("SPEA")*

#### Part 3 – Infringement notices

##### Division 1 – Service of infringement notices

Entity power given to	Section of SPEA	Description
Administering Authority	15(1)	Power to approve the form of the infringement notice.

##### Division 3 – Obligations and options under infringement notices

Entity power given to	Section of SPEA	Description
Administering Authority	23(3)(b)	Power to approve of an acceptable way, other than the approved form, of making an application for payment of fine through instalments.
Administering Authority	23(5)	In certain circumstances, power to approve application.

##### Division 4 – Withdrawal and re-issue of infringement notice

Entity power given to	Section of SPEA	Description
Administering Authority	28(1)	Power to withdraw an infringement notice at any time before the fine is satisfied in full.
Administering Authority	28(2)(a)	Power to serve on the alleged offender a withdrawal notice in the approved form.

#### Part 4 – Enforcement orders

##### Division 1 – Default commences enforcement process

Entity power given to	Section of SPEA	Description
Administering Authority	33(1)	Power to give to SPER for registration a default certificate for the relevant infringement notice offence.
Administering Authority	33(2)(b)	Power to approve of an acceptable way, other than the approved form, for how an election may be made.
Administering Authority	33(7)	Power to give an amended default certificate to State Penalties Enforcement Registry.

### **Division 6 – Cancellation of certain enforcement orders**

<b>Entity power given to</b>	<b>Section of SPEA</b>	<b>Description</b>
Administering Authority	57(4)(b) <sup>3</sup>	Power to: (a) accept payment of the fine in full as stated in the infringement notice for the offence; or (b) issue a fresh infringement notice for the offence.

## **Part 9 –**

### **Miscellaneous**

#### **Division 2 – Other enforcement related provisions**

<b>Entity power given to</b>	<b>Section of SPEA</b>	<b>Description</b>
Administering Authority	150(2)(a)(ii)	Power to determine an acceptable way of taking payment.
Administering Authority	157(2)	Power to sign a certificate for evidentiary purposes.

#### **Division 3 – General**

<b>Entity power given to</b>	<b>Section of SPEA</b>	<b>Description</b>
Administering Authority	162	Power to approve forms for use as infringement notices.

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<sup>3</sup> The procedure for initiating proceedings is under the *Justices Act 1886* (Qld).

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

1. The delegate is not permitted to sub-delegate.
2. Where the delegated power is a statutory power, the delegation is subject to the same conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government.
3. 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). The delegated power shall be subject to prior Council consultation where the exercise of any delegated power may in all reasonable likelihood:
  - (a) impact on land and/or sea; and/or
  - (b) involve payment of compensation regarding land; and/or
  - (c) require a budget amendment.
4. 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.
5. Unless a higher financial delegation is explicitly provided for in the delegation, any decision of the delegate must be made within the financial delegation of the delegate.
6. Unless explicitly provided for in the delegation, 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.
7. 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.
8. 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.
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.
13. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein. 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.

**Torres Strait Island Regional Council**  
**State Penalties Enforcement Act 1999 ("SPEA")**  
**State Penalties Enforcement Regulation 2014 ("SPER")**  
**Planning Act 2016 ("PLAA")**

**James William**  
Chief Executive Officer  
**Torres Strait Island Regional Council**

## Schedule 1

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

## POWERS CONFERRED

*State Penalties Enforcement Act 1999 ("SPEA")*  
*State Penalties Enforcement Regulation 2014 ("SPER")*  
*Planning Act 2016 ("PLAA")*

### Part 3 – Infringement notices

#### Division 1 – Service of infringement notices

Section of SPEA	Description
13(1)	Power to serve an infringement notice on a person who the authorised person reasonably believes has committed an infringement notice offence.
14(1)	Power to serve an infringement notice for an infringement notice offence involving a vehicle.

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

1. The delegate is not permitted to sub-delegate.
2. Where the delegated power is a statutory power, the delegation is subject to the same conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government.
3. 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). The delegated power shall be subject to prior Council consultation where the exercise of any delegated power may in all reasonable likelihood:
  - (a) impact on land and/or sea; and/or
  - (b) involve payment of compensation regarding land; and/or
  - (c) require a budget amendment.
4. 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.
5. Unless a higher financial delegation is explicitly provided for in the delegation, any decision of the delegate must be made within the financial delegation of the delegate.
6. Unless explicitly provided for in the delegation, 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.
7. 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.
8. 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.
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.
13. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein. 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.

# **INSTRUMENT OF DELEGATION**

## **Torres Strait Island Regional Council**

### ***Residential Tenancies and Rooming Accommodation Regulation 2009 ("RTRR")***

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

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

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

**Residential Tenancies and Rooming Accommodation Regulation 2009 ("RTRR")****SCHEDULE 1 – GENERAL TENANCY AGREEMENTS****Part 2 – Standard terms****Division 1 – Preliminary**

Entity power given to	Section of RTRR	Description
Lessor	2(3)	Power to agree on other terms of a general tenancy agreement ( <i>special terms</i> ).

**Division 2 – Period of tenancy**

Entity power given to	Section of RTRR	Description
Lessor	5(1)	Power to prepare, in the approved form, and to sign and give to the tenant, one copy of a condition report for the premises.
Lessor	6(1)(b)(v)	Power to enter into a written agreement with the tenant to end a fixed term agreement.

**Division 3 – Rent**

Entity power given to	Section of RTRR	Description
Lessor	8(3)(b)(i)	Power to give the tenant a notice proposing a way to pay rent.
Lessor	8(3)(b)(ii)	Power to agree to a proposal to pay rent.
Lessor	8(5)	Power to give a notice to the tenant stating a different place for payment of rent.
Lessor	10(1)	Power to, if the lessor proposes to increase the rent, give notice of the proposal to the tenant.

**Division 4 – Rental bond**

Entity power given to	Section of RTRR	Description
Lessor	13(2)	Power to pay the bond to the authority and give the authority a notice about the bond.

**Division 6 – Rights and obligations concerning the premises during tenancy****Subdivision 1 – Occupation and use of premises**

Entity power given to	Section of RTRR	Description
Lessor	20	Power to enter premises during the tenancy only if the obligations under section 192 to 199 have been complied with.
Lessor	22(1)	Power to give the tenant a copy of any body corporate by-laws in accordance with that subsection.

### **Subdivision 3 – The dwelling**

Entity power given to	Section of RTRR	Description
Lessor	27(1)	Power to agree to the attachment of a fixture or make a structural change in the matter prescribed by section 27.
Lessor	29(1)(a)	Power to agree with the tenant to change the locks.
Lessor	31(1)(b) <sup>1</sup>	Power to give written notice to the tenant of the lessor's nominated repairer for emergency repairs.

### **Subdivision 5 – Pets<sup>2</sup>**

Entity power given to	Section of RTRR	Description
Lessor	33A(1)	<i>Power to approve the keeping of a pet or other animal at the premises.</i>
Lessor	33C(4)	<i>In certain circumstances, the power to refuse the request for approval to keep a pet at the premises.</i>

### **Division 7 – Restrictions on transfer or subletting by tenant**

Entity power given to	Section of RTRR	Description
Lessor	34(1)	Power to agree in writing to the transfer or subletting of a tenant's interests under an agreement.

### **Division 8 – When agreement ends**

Entity power given to	Section of RTRR	Description
Lessor	36(1)(a) <sup>3</sup>	Power to agree with the tenant, in a separate written document, to end an agreement.
Lessor	36(1)(b) <sup>4</sup>	Power to give a notice to leave the premises to the tenant under section 326.
Lessor	39(1)	Power to ask the tenant in writing to state the tenant's new residential address.
Lessor	40(2)(a)	Power to sign a condition report within 3 business days after receiving a copy.
Lessor	40(2)(b)	Power to mark a condition report in an appropriate way indicating the parts of the report the lessor disagrees with.

### **Division 9 – Miscellaneous**

Entity power given to	Section of RTRR	Description
Lessor	44(4)	Power to withdraw consent to notices being given by facsimile or email to the lessor in the matter specified.
Lessor	44(6)	Power to give a notice to the other party of a new address for service, facsimile number or email address of the lessor.

<sup>1</sup> The change to this section commences on 1 October 2022.

<sup>2</sup> This subdivision commences on 1 October 2022.

<sup>3</sup> The change to this section commences on 1 October 2022.

<sup>4</sup> The change to this section commences on 1 October 2022.

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## SCHEDULE 2 – MOVEABLE DWELLING TENANCY AGREEMENT

### Part 2 – Standard terms

#### Division 1 – Preliminary

Entity power given to	Section of RTRR	Description
Lessor	2(3)	Power to agree with the tenant on other terms of a moveable dwelling tenancy agreement ( <b><i>special terms</i></b> ).

#### Division 2 – Period of tenancy

Entity power given to	Section of RTRR	Description
Lessor	5(1)	Power to prepare, sign and give to the tenant, a copy of a condition report for the premises.
Lessor	6(1)(b)(v)	Power to agree with the tenant to end a fixed term agreement.

#### Division 3 – Rent

Entity power given to	Section of RTRR	Description
Lessor	8(3)(b)(i)	Power to give a notice to the tenant proposing a way for payment of rent.
Lessor	8(3)(b)(ii)	Power to agree to a proposal to pay rent in writing.
Lessor	8(5)	Power to give a notice to the tenant stating a different place for payment of rent.
Lessor	10(1)	Power to give a notice to the tenant proposing to increase rent.

#### Division 4 – Rental bond

Entity power given to	Section of RTRR	Description
Lessor	13(2)	Power to pay the bond to the authority and give the authority a notice about the bond.
Lessor	14(1)(a)	Power to give a notice to the tenant to increase the bond.

#### Division 5 – Outgoings

Entity power given to	Section of RTRR	Description
Lessor	17(4)	Power to give the tenant a written statement showing: (a) each service for which an amount of rent is attributable; and (b) the amount attributed to the service.

## Division 6 – Rights and obligations concerning the premises during tenancy

### Subdivision 1 – Occupation and use of premises

Entity power given to	Section of RTRR	Description
Lessor	20(1)	Power to enter premises during the tenancy if the obligations under sections 192 to 199 have been complied with.
Lessor	20(2)	In the specified circumstances, the power to enter the sit to carry out maintenance of the site without giving the notice of entry required by section 193(1).
Lessor	22(2)	Power to give a copy of park rules for a moveable dwelling park to the tenant when the agreement is given to the tenant for signing.
Lessor	22(3)	Power to give the tenant a copy of a park rule as changed, if the park rule is changed.

### Subdivision 3 – The dwelling

Entity power given to	Section of RTRR	Description
Lessor	28(2)	Power to agree in writing to the tenant attaching a fixture or making a structural change.
Lessor	30(1)(a)	Power to agree with the tenant to change the locks.

### Subdivision 4 – Damage and repairs

Entity power given to	Section of RTRR	Description
Lessor	32(1)(b) <sup>5</sup>	Power to give written notice to the tenant of the lessor's nominated repairer for emergency repairs.

### Subdivision 5 – Pets<sup>6</sup>

Entity power given to	Section of RTRR	Description
Lessor	34A(1)	<i>Power to approve the keeping of a pet or other animal at the premises.</i>
Lessor	34C(4)	<i>In certain circumstances, the power to refuse the request for approval to keep a pet at the premises.</i>

## Division 7 – Restrictions on transfer or subletting by tenant

Entity power given to	Section of RTRR	Description
Lessor	35(1)(a)	Power to agree in writing to the transfer or subletting of a tenant's interests under an agreement.
Lessor	36(2)	Power to agree to the transfer or subletting of a tenant's interest under an agreement.

<sup>5</sup> The change to this section commences on 1 October 2022.

<sup>6</sup> This subdivision commences on 1 October 2022.

### Division 8 – Relocation

Entity power given to	Section of RTRR	Description
Lessor	38(1)	Power to, in the specified circumstances give a notice ( <b>notice to relocate</b> ) to the tenant requiring the tenant to relocate the moveable dwelling to another site in the moveable dwelling park.

### Division 9 – When agreement ends

Entity power given to	Section of RTRR	Description
Lessor	42(1)(a) <sup>7</sup>	Power to agree with the tenant, in a separate written document, that an agreement ends.
Lessor	42(1)(b) <sup>8</sup>	Power to give a notice to the tenant to leave the premises under section 326.
Lessor	45(1)	Power to ask the tenant in writing to state the tenant's new residential address.
Lessor	46(2)(a)	Power to sign a condition report for the premises.
Lessor	46(2)(b)	Power to mark a condition report in an appropriate way indicating the parts of the report the lessor disagrees with.

### Division 10 – Miscellaneous

Entity power given to	Section of RTRR	Description
Lessor	50(4)	Power to withdraw consent to notices being given by facsimile or email by to the lessor in the manner specified.
Lessor	50(6)	Power to give a notice to the other party of a new address for service, facsimile number or email address of the lessor.

## SCHEDULE 3A – REPLACEMENT TERMS FOR COMMUNITY HOUSING PROVIDER TENANCY AGREEMENTS

### Part 2 – Replacement terms

#### Division 3 – Rent

Entity power given to	Section of RTRR	Description
Lessor	7(3)	Power to form a reasonable belief that: (a) the housing service information given by the tenant is false or misleading in a material particular; or (b) the housing service information given by the tenant has changed.
Lessor	7(4)	Power to review and amount payable under the social housing rent policy.
Lessor	7(5)	Power to give the tenant a written notice stating the new amount and when it takes effect.

<sup>7</sup> The change to this section commences on 1 October 2022.

<sup>8</sup> The change to this section commences on 1 October 2022.

Lessor	8(4)	Power to give a notice to the tenant stating a different place for payment.
Lessor	9	In the specified circumstances, the power to require a tenant to pay rent in advance.

#### **Division 4 – Rental bond**

<b>Entity power given to</b>	<b>Section of RTRR</b>	<b>Description</b>
Lessor	10(1)	Power to give a tenant notice stating: (a) the rental bond amount under an agreement; and (b) whether the bond is to be paid by instalments.
Lessor	11(1)(a)	Power to give notice to the tenant to increase the bond.

#### **Division 5 – Outgoings**

<b>Entity power given to</b>	<b>Section of RTRR</b>	<b>Description</b>
Lessor	13(2)	Power to give the tenant written notice stating the matters set out in section 13(2)(a) to (c).
Lessor	14(6)	Power to give the tenant written notice stating that the tenant must pay for water consumption charges in relation to the premises.

#### **Division 6 – Rights and obligations concerning the premises during tenancy**

##### ***Subdivision 1 – Occupation and use of premises***

<b>Entity power given to</b>	<b>Section of RTRR</b>	<b>Description</b>
Lessor	17	In the specified circumstances, the power to enter the premises during the tenancy.

##### ***Subdivision 3 – The dwelling***

<b>Entity power given to</b>	<b>Section of RTRR</b>	<b>Description</b>
Lessor	24(1)	Power to agree in writing for the tenant to attach a fixture or make or structural change.
Lessor	24(5)(a)	Power to take action for a breach of a term in this agreement.
Lessor	24(5)(b)	Power to waive the breach (that is, not take action for the breach) and treat the fixture or change as an improvement to the premises (that is, treat it as not belonging to the tenant and not having to pay the tenant for it).
Lessor	25(4)	Power to request the tenant to give the lessor a key for a lock.
Lessor	26(1)	Power to agree with the tenant to change the locks.
Lessor	28(1) <sup>9</sup>	Power to nominate a repairer for emergency repairs in either the agreement or a written notice given to the tenant.

<sup>9</sup> The change to this section commences on 1 October 2022.

### **Subdivision 5 – Pets<sup>10</sup>**

Entity power given to	Section of RTRR	Description
Lessor	30A(1)	Power to approve the keeping of a pet or other animal at the premises.
Lessor	30C(4)	In certain circumstances, the power to refuse the request for approval to keep a pet at the premises.

### **Division 7 – Restrictions on transfer or subletting by tenant**

Entity power given to	Section of RTRR	Description
Lessor	31	Power to agree in writing to the transfer of the tenant's interest or to the tenant subletting the premises under this agreement.

### **Division 8 – When agreement ends**

Entity power given to	Section of RTRR	Description
Lessor	33(1)(a) <sup>11</sup>	Power to agree, in a separate written document, to end the agreement.
Lessor	33(1)(b) <sup>12</sup>	Power to give a notice to the tenant to leave the premises under section 326.
Lessor	36(1)	Power to ask the tenant in writing to state the tenant's new residential address.
Lessor	37(2)(a)	Power to sign a condition report within 3 business days after receiving a copy.
Lessor	37(2)(b)	Power to make a condition report in an appropriate way indicating that parts of the report the lessor disagrees with.
Lessor	41(4)	Power to withdraw consent to notices being given by facsimile or email to the lessor.
Lessor	41(6)	Power to give notice to the other party of a new address for service, facsimile number or email address to the lessor.
Lessor	42(3)	Power to give written authority for the tenant to: (a) sublease the premises; or (b) allow the premises to be used as a place of residence by anyone other than the tenant, the tenant's family or other persons approved by the lessor.
Lessor	42(7)	Power to issue a notice to leave for ending of housing assistance.
Lessor	43(2)	Power to give notice to the tenant stating the: (a) ground for the notice under subclause (1); and (b) amount of rent payable at the date of the notice; and (c) total amount owned by the tenant from the date when the correct housing service information applied to the premises to the date of the notice.
Lessor	45(1)	Power to agree in writing, to the tenant installing or placing upon the premises, any type of swimming pool.

<sup>10</sup> This subdivision commences on 1 October 2022.

<sup>11</sup> The change to this section commences on 1 October 2022.

<sup>12</sup> The change to this section commences on 1 October 2022.

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## SCHEDULE 4 – ROOMING ACCOMMODATION AGREEMENTS

### Part 2 – Standard terms

#### Division 1 – Preliminary

Entity power given to	Section of RTRR	Description
Provider	2(4)	Power to agree with a resident on other terms of a rooming accommodation agreement ( <i>special terms</i> ).

#### Division 2 – Period of rooming accommodation agreement

Entity power given to	Section of RTRR	Description
Provider	4(2)	Power to prepare, sign and give a resident one copy of a condition report for the room.

#### Division 3 – Rent

Entity power given to	Section of RTRR	Description
Provider	6(3)(b)	In the specified circumstance, the power to give a notice proposing a way to pay rent, or to agree to a proposed a way to pay rent.
Provider	6(5)	Power to give a notice to the resident stating a different place for payment of rent.
Provider	8(1)	Power to give notice to the resident of a proposal to increase the rent.
Provider	9(2)	Power to agree with the resident, to decrease the amount of rent payable.
Provider	9(3)	In the specified circumstances, the power to apply to a tribunal for an order decreasing the rent by a stated amount from a stated time.
Provider	10(2)	Power to agree with the resident to reduce rent for the period of an absence.

#### Division 4 – Rental bond

Entity power given to	Section of RTRR	Description
Provider	11(2)	Power to pay the bond to the authority and give the authority a notice about the bond.
Provider	21(2)	Power to agree in writing for the resident to attach a fixture or make a structural change.
Provider	22	Power to enter a resident's room during the agreement only if the obligations under sections 257 to 262 have been complied with.

**Division 6A – Pets<sup>13</sup>**

Entity power given to	Section of RTRR	Description
Provider	22A(1)	<i>Power to approve the keeping of a pet or other animal at the premises.</i>
Provider	22C(4)	<i>In certain circumstances, the power to refuse the request for approval to keep a pet at the premises.</i>

**Division 7 – When agreement ends<sup>14</sup>**

Entity power given to	Section of RTRR	Description
Provider	23(1)(a)	Power to agree with the resident, in a separate written document, to end an agreement ends.
Provider	23(1)(b)	Power to give the resident a notice to leave the rental premises.

**Division 9 – Miscellaneous**

Entity power given to	Section of RTRR	Description
Provider	29(4)	Power to withdraw consent to notices being given by facsimile or email to the provider.
Provider	29(6)	Power to give notice to the other party of a new address for service, facsimile number or email address of the provider.

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<sup>13</sup> This division commences on 1 October 2022.

<sup>14</sup> This changes to this division commences on 1 October 2022.

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

1. 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). The delegated power shall be subject to prior Council consultation where the exercise of any delegated power may in all reasonable likelihood:
  - (a) impact on land and/or sea; and/or
  - (b) involve payment of compensation regarding land; and/or
  - (c) require a budget amendment.
2. 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.
3. Unless a higher financial delegation is explicitly provided for in the delegation, any decision of the delegate must be made within the financial delegation of the delegate.
4. Unless explicitly provided for in the delegation, 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.
5. 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.
6. 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.
7. 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).
8. 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.
9. 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.

10. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.
11. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein. 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.

[2021 10 20 - RTRR - Delegation Instrument]

# DELEGABLE POWERS UNDER THE RESIDENTIAL TENANCIES AND ROOMING ACCOMMODATION REGULATION 2009 ("RTRR")

## SCHEDULE 1 – GENERAL TENANCY AGREEMENTS

### Part 2 – Standard terms

#### Division 1 – Preliminary

Entity power given to	Section of RTRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	2(3)	Power to agree on other terms of a general tenancy agreement ( <i>special terms</i> ).				

#### Division 2 – Period of tenancy

Entity power given to	Section of RTRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	5(1)	Power to prepare, in the approved form, and to sign and give to the tenant, one copy of a condition report for the premises.				
Lessor	6(1)(b)(v)	Power to enter into a written agreement with the tenant to end a fixed term agreement.				

### Division 3 – Rent

Entity power given to	Section of RTRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	8(3)(b)(i)	Power to give the tenant a notice proposing a way to pay rent.				
Lessor	8(3)(b)(ii)	Power to agree to a proposal to pay rent.				
Lessor	8(5)	Power to give a notice to the tenant stating a different place for payment of rent.				
Lessor	10(1)	Power to, if the lessor proposes to increase the rent, give notice of the proposal to the tenant.				

### Division 4 – Rental bond

Entity power given to	Section of RTRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	13(2)	Power to pay the bond to the authority and give the authority a notice about the bond.				

### Division 6 – Rights and obligations concerning the premises during tenancy

#### *Subdivision 1 – Occupation and use of premises*

Entity power given to	Section of RTRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	20	Power to enter premises during the tenancy only if the obligations under section 192 to 199 have been complied with.				

Lessor	22(1)	Power to give the tenant a copy of any body corporate by-laws in accordance with that subsection.				
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### ***Subdivision 3 – The dwelling***

Entity power given to	Section of RTRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	27(1)	Power to agree to the attachment of a fixture or make a structural change in the matter prescribed by section 27.				
Lessor	29(1)(a)	Power to agree with the tenant to change the locks.				
Lessor	31(1)(b) <sup>15</sup>	Power to give written notice to the tenant of the lessor's nominated repairer for emergency repairs.				

### ***Subdivision 5 – Pets<sup>16</sup>***

Entity power given to	Section of RTRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	33A(1)	<i>Power to approve the keeping of a pet or other animal at the premises.</i>				
Lessor	33C(4)	<i>In certain circumstances, the power to refuse the request for approval to keep a pet at the premises.</i>				

<sup>15</sup> The change to this section commences on 1 October 2022.

<sup>16</sup> This subdivision commences on 1 October 2022.

**Division 7 – Restrictions on transfer or subletting by tenant**

Entity power given to	Section of RTRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	34(1)	Power to agree in writing to the transfer or subletting of a tenant's interests under an agreement.				

**Division 8 – When agreement ends**

Entity power given to	Section of RTRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	36(1)(a) <sup>17</sup>	Power to agree with the tenant, in a separate written document, to end an agreement.				
Lessor	36(1)(b) <sup>18</sup>	Power to give a notice to leave the premises to the tenant under section 326.				
Lessor	39(1)	Power to ask the tenant in writing to state the tenant's new residential address.				
Lessor	40(2)(a)	Power to sign a condition report within 3 business days after receiving a copy.				
Lessor	40(2)(b)	Power to mark a condition report in an appropriate way indicating the parts of the report the lessor disagrees with.				

<sup>17</sup> The change to this section commences on 1 October 2022.

<sup>18</sup> The change to this section commences on 1 October 2022.

### Division 9 – Miscellaneous

Entity power given to	Section of RTRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	44(4)	Power to withdraw consent to notices being given by facsimile or email to the lessor in the matter specified.				
Lessor	44(6)	Power to give a notice to the other party of a new address for service, facsimile number or email address of the lessor.				

## SCHEDULE 2 – MOVEABLE DWELLING TENANCY AGREEMENT

### Part 2 – Standard terms

#### Division 1 – Preliminary

Entity power given to	Section of RTRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	2(3)	Power to agree with the tenant on other terms of a moveable dwelling tenancy agreement ( <i>special terms</i> ).				

#### Division 2 – Period of tenancy

Entity power given to	Section of RTRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	5(1)	Power to prepare, sign and give to the tenant, a copy of a condition report for the premises.				

Lessor	6(1)(b)(v)	Power to agree with the tenant to end a fixed term agreement.				
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### Division 3 – Rent

Entity power given to	Section of RTRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	8(3)(b)(i)	Power to give a notice to the tenant proposing a way for payment of rent.				
Lessor	8(3)(b)(ii)	Power to agree to a proposal to pay rent in writing.				
Lessor	8(5)	Power to give a notice to the tenant stating a different place for payment of rent.				
Lessor	10(1)	Power to give a notice to the tenant proposing to increase rent.				

### Division 4 – Rental bond

Entity power given to	Section of RTRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	13(2)	Power to pay the bond to the authority and give the authority a notice about the bond.				
Lessor	14(1)(a)	Power to give a notice to the tenant to increase the bond.				

### Division 5 – Outgoings

Entity power given to	Section of RTRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	17(4)	Power to give the tenant a written statement showing: (a) each service for which an amount of rent is attributable; and (b) the amount attributed to the service.				

### Division 6 – Rights and obligations concerning the premises during tenancy

#### *Subdivision 1 – Occupation and use of premises*

Entity power given to	Section of RTRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	20(1)	Power to enter premises during the tenancy if the obligations under sections 192 to 199 have been complied with.				
Lessor	20(2)	In the specified circumstances, the power to enter the sit to carry out maintenance of the site without giving the notice of entry required by section 193(1).				
Lessor	22(2)	Power to give a copy of park rules for a moveable dwelling park to the tenant when the agreement is given to the tenant for signing.				
Lessor	22(3)	Power to give the tenant a copy of a park rule as changed, if the park rule is changed.				

### ***Subdivision 3 – The dwelling***

Entity power given to	Section of RTRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	28(2)	Power to agree in writing to the tenant attaching a fixture or making a structural change.				
Lessor	30(1)(a)	Power to agree with the tenant to change the locks.				

### ***Subdivision 4 – Damage and repairs***

Entity power given to	Section of RTRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	32(1)(b) <sup>19</sup>	Power to give written notice to the tenant of the lessor's nominated repairer for emergency repairs.				

### ***Subdivision 5 – Pets<sup>20</sup>***

Entity power given to	Section of RTRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	34A(1)	Power to approve the keeping of a pet or other animal at the premises.				
Lessor	34C(4)	In certain circumstances, the power to refuse the request for approval to keep a pet at the premises.				

<sup>19</sup> The change to this section commences on 1 October 2022.

<sup>20</sup> This subdivision commences on 1 October 2022.

**Division 7 – Restrictions on transfer or subletting by tenant**

Entity power given to	Section of RTRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	35(1)(a)	Power to agree in writing to the transfer or subletting of a tenant's interests under an agreement.				
Lessor	36(2)	Power to agree to the transfer or subletting of a tenant's interest under an agreement.				

**Division 8 – Relocation**

Entity power given to	Section of RTRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	38(1)	Power to, in the specified circumstances give a notice ( <b>notice to relocate</b> ) to the tenant requiring the tenant to relocate the moveable dwelling to another site in the moveable dwelling park.				

**Division 9 – When agreement ends**

Entity power given to	Section of RTRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	42(1)(a) <sup>21</sup>	Power to agree with the tenant, in a separate written document, that an agreement ends.				
Lessor	42(1)(b) <sup>22</sup>	Power to give a notice to the tenant to leave the premises under section 326.				

<sup>21</sup> The change to this section commences on 1 October 2022.

<sup>22</sup> The change to this section commences on 1 October 2022.

Lessor	45(1)	Power to ask the tenant in writing to state the tenant's new residential address.				
Lessor	46(2)(a)	Power to sign a condition report for the premises.				
Lessor	46(2)(b)	Power to mark a condition report in an appropriate way indicating the parts of the report the lessor disagrees with.				

#### Division 10 – Miscellaneous

Entity power given to	Section of RTRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	50(4)	Power to withdraw consent to notices being given by facsimile or email by to the lessor in the manner specified.				
Lessor	50(6)	Power to give a notice to the other party of a new address for service, facsimile number or email address of the lessor.				

### SCHEDULE 3A – REPLACEMENT TERMS FOR COMMUNITY HOUSING PROVIDER TENANCY AGREEMENTS

#### Part 2 – Replacement terms

#### Division 3 – Rent

Entity power given to	Section of RTRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	7(3)	Power to form a reasonable belief that: (a) the housing service information given by the tenant is false or misleading in a material particular; or				

		(b) the housing service information given by the tenant has changed.				
Lessor	7(4)	Power to review and amount payable under the social housing rent policy.				
Lessor	7(5)	Power to give the tenant a written notice stating the new amount and when it takes effect.				
Lessor	8(4)	Power to give a notice to the tenant stating a different place for payment.				
Lessor	9	In the specified circumstances, the power to require a tenant to pay rent in advance.				

#### Division 4 – Rental bond

Entity power given to	Section of RTRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	10(1)	Power to give a tenant notice stating: (a) the rental bond amount under an agreement; and (b) whether the bond is to be paid by instalments.				
Lessor	11(1)(a)	Power to give notice to the tenant to increase the bond.				

#### Division 5 – Outgoings

Entity power given to	Section of RTRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	13(2)	Power to give the tenant written notice stating the matters set out in section 13(2)(a) to (c).				

Lessor	14(6)	Power to give the tenant written notice stating that the tenant must pay for water consumption charges in relation to the premises.				
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**Division 6 – Rights and obligations concerning the premises during tenancy**

***Subdivision 1 – Occupation and use of premises***

Entity power given to	Section of RTRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	17	In the specified circumstances, the power to enter the premises during the tenancy.				

***Subdivision 3 – The dwelling***

Entity power given to	Section of RTRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	24(1)	Power to agree in writing for the tenant to attach a fixture or make or structural change.				
Lessor	24(5)(a)	Power to take action for a breach of a term in this agreement.				
Lessor	24(5)(b)	Power to waive the breach (that is, not take action for the breach) and treat the fixture or change as an improvement to the premises (that is, treat it as not belonging to the tenant and not having to pay the tenant for it).				
Lessor	25(4)	Power to request the tenant to give the lessor a key for a lock.				
Lessor	26(1)	Power to agree with the tenant to change the locks.				

Lessor	28(1) <sup>23</sup>	Power to nominate a repairer for emergency repairs in either the agreement or a written notice given to the tenant.				
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#### ***Subdivision 5 – Pets<sup>24</sup>***

Entity power given to	Section of RTRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	30A(1)	<i>Power to approve the keeping of a pet or other animal at the premises.</i>				
Lessor	30C(4)	<i>In certain circumstances, the power to refuse the request for approval to keep a pet at the premises.</i>				

#### **Division 7 – Restrictions on transfer or subletting by tenant**

Entity power given to	Section of RTRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	31	Power to agree in writing to the transfer of the tenant's interest or to the tenant subletting the premises under this agreement.				

<sup>23</sup> The change to this section commences on 1 October 2022.

<sup>24</sup> This subdivision commences on 1 October 2022.

### Division 8 – When agreement ends

Entity power given to	Section of RTRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	33(1)(a) <sup>25</sup>	Power to agree, in a separate written document, to end the agreement.				
Lessor	33(1)(b) <sup>26</sup>	Power to give a notice to the tenant to leave the premises under section 326.				
Lessor	36(1)	Power to ask the tenant in writing to state the tenant's new residential address.				
Lessor	37(2)(a)	Power to sign a condition report within 3 business days after receiving a copy.				
Lessor	37(2)(b)	Power to make a condition report in an appropriate way indicating that parts of the report the lessor disagrees with.				
Lessor	41(4)	Power to withdraw consent to notices being given by facsimile or email to the lessor.				
Lessor	41(6)	Power to give notice to the other party of a new address for service, facsimile number or email address to the lessor.				
Lessor	42(3)	Power to give written authority for the tenant to: (a) sublease the premises; or (b) allow the premises to be used as a place of residence by anyone other than the tenant, the tenant's family or other persons approved by the lessor.				
Lessor	42(7)	Power to issue a notice to leave for ending of housing assistance.				

<sup>25</sup> The change to this section commences on 1 October 2022.

<sup>26</sup> The change to this section commences on 1 October 2022.

Lessor	43(2)	Power to give notice to the tenant stating the: (a) ground for the notice under subclause (1); and (b) amount of rent payable at the date of the notice; and (c) total amount owned by the tenant from the date when the correct housing service information applied to the premises to the date of the notice.				
Lessor	45(1)	Power to agree in writing, to the tenant installing or placing upon the premises, any type of swimming pool.				

## SCHEDULE 4 – ROOMING ACCOMMODATION AGREEMENTS

### Part 2 – Standard terms

#### Division 1 – Preliminary

Entity power given to	Section of RTRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Provider	2(4)	Power to agree with a resident on other terms of a rooming accommodation agreement ( <i>special terms</i> ).				

#### Division 2 – Period of rooming accommodation agreement

Entity power given to	Section of RTRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Provider	4(2)	Power to prepare, sign and give a resident one copy of a condition report for the room.				

### Division 3 – Rent

Entity power given to	Section of RTRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Provider	6(3)(b)	In the specified circumstance, the power to give a notice proposing a way to pay rent, or to agree to a proposed a way to pay rent.				
Provider	6(5)	Power to give a notice to the resident stating a different place for payment of rent.				
Provider	8(1)	Power to give notice to the resident of a proposal to increase the rent.				
Provider	9(2)	Power to agree with the resident, to decrease the amount of rent payable.				
Provider	9(3)	In the specified circumstances, the power to apply to a tribunal for an order decreasing the rent by a stated amount from a stated time.				
Provider	10(2)	Power to agree with the resident to reduce rent for the period of an absence.				

### Division 4 – Rental bond

Entity power given to	Section of RTRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Provider	11(2)	Power to pay the bond to the authority and give the authority a notice about the bond.				
Provider	21(2)	Power to agree in writing for the resident to attach a fixture or make a structural change.				
Provider	22	Power to enter a resident's room during the agreement only if the obligations under				

		sections 257 to 262 have been complied with.				
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**Division 6A – Pets<sup>27</sup>**

Entity power given to	Section of RTRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Provider	22A(1)	Power to approve the keeping of a pet or other animal at the premises.				
Provider	22C(4)	In certain circumstances, the power to refuse the request for approval to keep a pet at the premises.				

**Division 7 – When agreement ends<sup>28</sup>**

Entity power given to	Section of RTRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Provider	23(1)(a)	Power to agree with the resident, in a separate written document, to end an agreement ends.				
Provider	23(1)(b)	Power to give the resident a notice to leave the rental premises.				

<sup>27</sup> This division commences on 1 October 2022.

<sup>28</sup> This changes to this division commences on 1 October 2022.

### Division 9 – Miscellaneous

Entity power given to	Section of RTRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Provider	29(4)	Power to withdraw consent to notices being given by facsimile or email to the provider.				
Provider	29(6)	Power to give notice to the other party of a new address for service, facsimile number or email address of the provider.				

[2021 10 20 - RTRR - Delegation Table]

# INSTRUMENT OF SUB-DELEGATION

# Torres Strait Island Regional Council

***Residential Tenancies and Rooming Accommodation Regulation 2009 ("RTRR")***

Under section 259 of the *Local Government Act 2009*, I, **James William**, 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 \_\_\_\_\_ 2023.

**James William**  
Chief Executive Officer  
**Torres Strait Island Regional Council**

**Position:** Head of Community Services

## POWERS SUB-DELEGATED

### *Residential Tenancies and Rooming Accommodation Regulation 2009 ("RTRR")*

#### SCHEDULE 1 – GENERAL TENANCY AGREEMENTS

##### Part 2 – Standard terms

##### Division 1 – Preliminary

Entity power given to	Section of RTRR	Description
Lessor	2(3)	Power to agree on other terms of a general tenancy agreement ( <i>special terms</i> ).

##### Division 2 – Period of tenancy

Entity power given to	Section of RTRR	Description
Lessor	5(1)	Power to prepare, in the approved form, and to sign and give to the tenant, one copy of a condition report for the premises.
Lessor	6(1)(b)(v)	Power to enter into a written agreement with the tenant to end a fixed term agreement.

##### Division 3 – Rent

Entity power given to	Section of RTRR	Description
Lessor	8(3)(b)(i)	Power to give the tenant a notice proposing a way to pay rent.
Lessor	8(3)(b)(ii)	Power to agree to a proposal to pay rent.
Lessor	8(5)	Power to give a notice to the tenant stating a different place for payment of rent.
Lessor	10(1)	Power to, if the lessor proposes to increase the rent, give notice of the proposal to the tenant.

##### Division 4 – Rental bond

Entity power given to	Section of RTRR	Description
Lessor	13(2)	Power to pay the bond to the authority and give the authority a notice about the bond.

##### Division 6 – Rights and obligations concerning the premises during tenancy

##### *Subdivision 1 – Occupation and use of premises*

Entity power given to	Section of RTRR	Description
Lessor	20	Power to enter premises during the tenancy only if the obligations under section 192 to 199 have been complied with.

Lessor	22(1)	Power to give the tenant a copy of any body corporate by-laws in accordance with that subsection.
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### ***Subdivision 3 – The dwelling***

Entity power given to	Section of RTRR	Description
Lessor	27(1)	Power to agree to the attachment of a fixture or make a structural change in the matter prescribed by section 27.
Lessor	29(1)(a)	Power to agree with the tenant to change the locks.
Lessor	31(1)(b) <sup>29</sup>	Power to give written notice to the tenant of the lessor's nominated repairer for emergency repairs.

### ***Subdivision 5 – Pets<sup>30</sup>***

Entity power given to	Section of RTRR	Description
Lessor	33A(1)	<i>Power to approve the keeping of a pet or other animal at the premises.</i>
Lessor	33C(4)	<i>In certain circumstances, the power to refuse the request for approval to keep a pet at the premises.</i>

### **Division 7 – Restrictions on transfer or subletting by tenant**

Entity power given to	Section of RTRR	Description
Lessor	34(1)	Power to agree in writing to the transfer or subletting of a tenant's interests under an agreement.

### **Division 8 – When agreement ends**

Entity power given to	Section of RTRR	Description
Lessor	36(1)(a) <sup>31</sup>	Power to agree with the tenant, in a separate written document, to end an agreement.
Lessor	36(1)(b) <sup>32</sup>	Power to give a notice to leave the premises to the tenant under section 326.
Lessor	39(1)	Power to ask the tenant in writing to state the tenant's new residential address.
Lessor	40(2)(a)	Power to sign a condition report within 3 business days after receiving a copy.
Lessor	40(2)(b)	Power to mark a condition report in an appropriate way indicating the parts of the report the lessor disagrees with.

<sup>29</sup> The change to this section commences on 1 October 2022.

<sup>30</sup> This subdivision commences on 1 October 2022.

<sup>31</sup> The change to this section commences on 1 October 2022.

<sup>32</sup> The change to this section commences on 1 October 2022.

## Division 9 – Miscellaneous

Entity power given to	Section of RTRR	Description
Lessor	44(4)	Power to withdraw consent to notices being given by facsimile or email to the lessor in the matter specified.
Lessor	44(6)	Power to give a notice to the other party of a new address for service, facsimile number or email address of the lessor.

## SCHEDULE 2 – MOVEABLE DWELLING TENANCY AGREEMENT

### Part 2 – Standard terms

#### Division 1 – Preliminary

Entity power given to	Section of RTRR	Description
Lessor	2(3)	Power to agree with the tenant on other terms of a moveable dwelling tenancy agreement ( <i>special terms</i> ).

#### Division 2 – Period of tenancy

Entity power given to	Section of RTRR	Description
Lessor	5(1)	Power to prepare, sign and give to the tenant, a copy of a condition report for the premises.
Lessor	6(1)(b)(v)	Power to agree with the tenant to end a fixed term agreement.

#### Division 3 – Rent

Entity power given to	Section of RTRR	Description
Lessor	8(3)(b)(i)	Power to give a notice to the tenant proposing a way for payment of rent.
Lessor	8(3)(b)(ii)	Power to agree to a proposal to pay rent in writing.
Lessor	8(5)	Power to give a notice to the tenant stating a different place for payment of rent.
Lessor	10(1)	Power to give a notice to the tenant proposing to increase rent.

#### Division 4 – Rental bond

Entity power given to	Section of RTRR	Description
Lessor	13(2)	Power to pay the bond to the authority and give the authority a notice about the bond.
Lessor	14(1)(a)	Power to give a notice to the tenant to increase the bond.

#### Division 5 – Outgoings

Entity power given to	Section of RTRR	Description
Lessor	17(4)	Power to give the tenant a written statement showing:

		(a) each service for which an amount of rent is attributable; and
		(b) the amount attributed to the service.

## **Division 6 – Rights and obligations concerning the premises during tenancy**

### ***Subdivision 1 – Occupation and use of premises***

<b>Entity power given to</b>	<b>Section of RTRR</b>	<b>Description</b>
Lessor	20(1)	Power to enter premises during the tenancy if the obligations under sections 192 to 199 have been complied with.
Lessor	20(2)	In the specified circumstances, the power to enter the site to carry out maintenance of the site without giving the notice of entry required by section 193(1).
Lessor	22(2)	Power to give a copy of park rules for a moveable dwelling park to the tenant when the agreement is given to the tenant for signing.
Lessor	22(3)	Power to give the tenant a copy of a park rule as changed, if the park rule is changed.

### ***Subdivision 3 – The dwelling***

<b>Entity power given to</b>	<b>Section of RTRR</b>	<b>Description</b>
Lessor	28(2)	Power to agree in writing to the tenant attaching a fixture or making a structural change.
Lessor	30(1)(a)	Power to agree with the tenant to change the locks.

### ***Subdivision 4 – Damage and repairs***

<b>Entity power given to</b>	<b>Section of RTRR</b>	<b>Description</b>
Lessor	32(1)(b) <sup>33</sup>	Power to give written notice to the tenant of the lessor's nominated repairer for emergency repairs.

### ***Subdivision 5 – Pets<sup>34</sup>***

<b>Entity power given to</b>	<b>Section of RTRR</b>	<b>Description</b>
Lessor	34A(1)	<i>Power to approve the keeping of a pet or other animal at the premises.</i>
Lessor	34C(4)	<i>In certain circumstances, the power to refuse the request for approval to keep a pet at the premises.</i>

## **Division 7 – Restrictions on transfer or subletting by tenant**

<b>Entity power given to</b>	<b>Section of RTRR</b>	<b>Description</b>
Lessor	35(1)(a)	Power to agree in writing to the transfer or subletting of a tenant's interests under an agreement.

<sup>33</sup> The change to this section commences on 1 October 2022.

<sup>34</sup> This subdivision commences on 1 October 2022.

Lessor	36(2)	Power to agree to the transfer or subletting of a tenant's interest under an agreement.
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### Division 8 – Relocation

Entity power given to	Section of RTRR	Description
Lessor	38(1)	Power to, in the specified circumstances give a notice ( <b>notice to relocate</b> ) to the tenant requiring the tenant to relocate the moveable dwelling to another site in the moveable dwelling park.

### Division 9 – When agreement ends

Entity power given to	Section of RTRR	Description
Lessor	42(1)(a) <sup>35</sup>	Power to agree with the tenant, in a separate written document, that an agreement ends.
Lessor	42(1)(b) <sup>36</sup>	Power to give a notice to the tenant to leave the premises under section 326.
Lessor	45(1)	Power to ask the tenant in writing to state the tenant's new residential address.
Lessor	46(2)(a)	Power to sign a condition report for the premises.
Lessor	46(2)(b)	Power to mark a condition report in an appropriate way indicating the parts of the report the lessor disagrees with.

### Division 10 – Miscellaneous

Entity power given to	Section of RTRR	Description
Lessor	50(4)	Power to withdraw consent to notices being given by facsimile or email by to the lessor in the manner specified.
Lessor	50(6)	Power to give a notice to the other party of a new address for service, facsimile number or email address of the lessor.

## SCHEDULE 3A – REPLACEMENT TERMS FOR COMMUNITY HOUSING PROVIDER TENANCY AGREEMENTS

### Part 2 – Replacement terms

#### Division 3 – Rent

Entity power given to	Section of RTRR	Description
Lessor	7(3)	Power to form a reasonable belief that: (a) the housing service information given by the tenant is false or misleading in a material particular; or (b) the housing service information given by the tenant has changed.
Lessor	7(4)	Power to review and amount payable under the social housing rent policy.

<sup>35</sup> The change to this section commences on 1 October 2022.

<sup>36</sup> The change to this section commences on 1 October 2022.

Lessor	7(5)	Power to give the tenant a written notice stating the new amount and when it takes effect.
Lessor	8(4)	Power to give a notice to the tenant stating a different place for payment.
Lessor	9	In the specified circumstances, the power to require a tenant to pay rent in advance.

#### Division 4 – Rental bond

Entity power given to	Section of RTRR	Description
Lessor	10(1)	Power to give a tenant notice stating: (a) the rental bond amount under an agreement; and (b) whether the bond is to be paid by instalments.
Lessor	11(1)(a)	Power to give notice to the tenant to increase the bond.

#### Division 5 – Outgoings

Entity power given to	Section of RTRR	Description
Lessor	13(2)	Power to give the tenant written notice stating the matters set out in section 13(2)(a) to (c).
Lessor	14(6)	Power to give the tenant written notice stating that the tenant must pay for water consumption charges in relation to the premises.

#### Division 6 – Rights and obligations concerning the premises during tenancy

##### *Subdivision 1 – Occupation and use of premises*

Entity power given to	Section of RTRR	Description
Lessor	17	In the specified circumstances, the power to enter the premises during the tenancy.

##### *Subdivision 3 – The dwelling*

Entity power given to	Section of RTRR	Description
Lessor	24(1)	Power to agree in writing for the tenant to attach a fixture or make or structural change.
Lessor	24(5)(a)	Power to take action for a breach of a term in this agreement.
Lessor	24(5)(b)	Power to waive the breach (that is, not take action for the breach) and treat the fixture or change as an improvement to the premises (that is, treat it as not belonging to the tenant and not having to pay the tenant for it).
Lessor	25(4)	Power to request the tenant to give the lessor a key for a lock.
Lessor	26(1)	Power to agree with the tenant to change the locks.
Lessor	28(1) <sup>37</sup>	Power to nominate a repairer for emergency repairs in either the agreement or a written notice given to the tenant.

<sup>37</sup> The change to this section commences on 1 October 2022.

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**Subdivision 5 – Pets<sup>38</sup>**

Entity power given to	Section of RTRR	Description
Lessor	30A(1)	Power to approve the keeping of a pet or other animal at the premises.
Lessor	30C(4)	In certain circumstances, the power to refuse the request for approval to keep a pet at the premises.

**Division 7 – Restrictions on transfer or subletting by tenant**

Entity power given to	Section of RTRR	Description
Lessor	31	Power to agree in writing to the transfer of the tenant's interest or to the tenant subletting the premises under this agreement.

**Division 8 – When agreement ends**

Entity power given to	Section of RTRR	Description
Lessor	33(1)(a) <sup>39</sup>	Power to agree, in a separate written document, to end the agreement.
Lessor	33(1)(b) <sup>40</sup>	Power to give a notice to the tenant to leave the premises under section 326.
Lessor	36(1)	Power to ask the tenant in writing to state the tenant's new residential address.
Lessor	37(2)(a)	Power to sign a condition report within 3 business days after receiving a copy.
Lessor	37(2)(b)	Power to make a condition report in an appropriate way indicating that parts of the report the lessor disagrees with.
Lessor	41(4)	Power to withdraw consent to notices being given by facsimile or email to the lessor.
Lessor	41(6)	Power to give notice to the other party of a new address for service, facsimile number or email address to the lessor.
Lessor	42(3)	Power to give written authority for the tenant to: (a) sublease the premises; or (b) allow the premises to be used as a place of residence by anyone other than the tenant, the tenant's family or other persons approved by the lessor.
Lessor	42(7)	Power to issue a notice to leave for ending of housing assistance.
Lessor	43(2)	Power to give notice to the tenant stating the: (a) ground for the notice under subclause (1); and (b) amount of rent payable at the date of the notice; and (c) total amount owned by the tenant from the date when the correct housing service information applied to the premises to the date of the notice.

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<sup>38</sup> This subdivision commences on 1 October 2022.

<sup>39</sup> The change to this section commences on 1 October 2022.

<sup>40</sup> The change to this section commences on 1 October 2022.

Lessor	45(1)	Power to agree in writing, to the tenant installing or placing upon the premises, any type of swimming pool.
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## SCHEDULE 4 – ROOMING ACCOMMODATION AGREEMENTS

### Part 2 – Standard terms

#### Division 1 – Preliminary

Entity power given to	Section of RTRR	Description
Provider	2(4)	Power to agree with a resident on other terms of a rooming accommodation agreement ( <b><i>special terms</i></b> ).

#### Division 2 – Period of rooming accommodation agreement

Entity power given to	Section of RTRR	Description
Provider	4(2)	Power to prepare, sign and give a resident one copy of a condition report for the room.

#### Division 3 – Rent

Entity power given to	Section of RTRR	Description
Provider	6(3)(b)	In the specified circumstance, the power to give a notice proposing a way to pay rent, or to agree to a proposed a way to pay rent.
Provider	6(5)	Power to give a notice to the resident stating a different place for payment of rent.
Provider	8(1)	Power to give notice to the resident of a proposal to increase the rent.
Provider	9(2)	Power to agree with the resident, to decrease the amount of rent payable.
Provider	9(3)	In the specified circumstances, the power to apply to a tribunal for an order decreasing the rent by a stated amount from a stated time.
Provider	10(2)	Power to agree with the resident to reduce rent for the period of an absence.

#### Division 4 – Rental bond

Entity power given to	Section of RTRR	Description
Provider	11(2)	Power to pay the bond to the authority and give the authority a notice about the bond.
Provider	21(2)	Power to agree in writing for the resident to attach a fixture or make a structural change.
Provider	22	Power to enter a resident's room during the agreement only if the obligations under sections 257 to 262 have been complied with.

**Division 6A – Pets<sup>41</sup>**

Entity power given to	Section of RTRR	Description
Provider	22A(1)	<i>Power to approve the keeping of a pet or other animal at the premises.</i>
Provider	22C(4)	<i>In certain circumstances, the power to refuse the request for approval to keep a pet at the premises.</i>

**Division 7 – When agreement ends<sup>42</sup>**

Entity power given to	Section of RTRR	Description
Provider	23(1)(a)	Power to agree with the resident, in a separate written document, to end an agreement ends.
Provider	23(1)(b)	Power to give the resident a notice to leave the rental premises.

**Division 9 – Miscellaneous**

Entity power given to	Section of RTRR	Description
Provider	29(4)	Power to withdraw consent to notices being given by facsimile or email to the provider.
Provider	29(6)	Power to give notice to the other party of a new address for service, facsimile number or email address of the provider.

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<sup>41</sup> This division commences on 1 October 2022.

<sup>42</sup> This changes to this division commences on 1 October 2022.

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

1. Where the delegated power is a statutory power, the delegation is subject to the same conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government.
2. 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). The delegated power shall be subject to prior Council consultation where the exercise of any delegated power may in all reasonable likelihood:
  - (a) impact on land and/or sea; and/or
  - (b) involve payment of compensation regarding land; and/or
  - (c) require a budget amendment.
3. 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.
4. Unless a higher financial delegation is explicitly provided for in the delegation, any decision of the delegate must be made within the financial delegation of the delegate.
5. Unless explicitly provided for in the delegation, 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.
6. 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.
7. 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.
8. 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).
9. 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.
10. 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.

11. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.
12. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein. 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.

[2021 10 20 - RTRR - Sub-Delegation Instrument]

# **INSTRUMENT OF DELEGATION**

## **Torres Strait Island Regional Council** ***Heavy Vehicle National Law (Queensland) ("HVNL")***

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.

**Heavy Vehicle National Law (Queensland) ("HVNL")****CHAPTER 4 – VEHICLE OPERATIONS – MASS, DIMENSION AND LOADING****Part 4.5 – Exemptions for particular overmass or oversize vehicles****Division 3 – Exemptions by permit**

Entity power given to	Section of HVNL	Description
Relevant Road Manager	124(1)(b)	Power to consent to the grant of an exemption.

**Part 4.6 – Restricting access to roads by large vehicles that are not overmass or oversize vehicles****Division 3 – Authorisation by Commonwealth Gazette notice**

Entity power given to	Section of HVNL	Description
Relevant Road Manager	139(1)(b)	Power to consent to a grant for an authorisation.

**Division 4 – Authorisation by permit**

Entity power given to	Section of HVNL	Description
Relevant Road Manager	145(1)(b)	Power to consent to a grant under this section.

**Part 4.7 – Particular provision about mass or dimensions authority****Division 2 – Obtaining consent of a relevant road manager**

Entity power given to	Section of HVNL	Description
Road Manager	156(1)	Power to decide to give consent within the time specified and agree to a longer period for providing consent.
Road Manager	156(2)(b)	Power to ask the Regulator for a longer period under subsection 156(1)(b) and power to consider a route assessment is necessary for deciding whether or not to give the consent under section 156(1).
Local Government Authority	156(2)(c)	Power to be consulted about a Road Manager's decision to grant consent to the grant of a mass or dimension authority.
Road Manager	156A(1)	Power to decide not to give consent to the grant of a mass or dimension authority if satisfied of the things stated in section 156A(1)(a) and (b).
Road Manager	156A(2)	Power to consider whether the mass of the vehicle under the application for authority was less than applied for and to give consent subject to a road condition that the vehicle not exceed the mass.
Relevant Road Manager	156A(4)	Power to give the Regulator a written statement that explains the Road Manager's decision and complies with section 172.

Road Manager	158(4)(c)	Power to decide not to give the consent on the ground that the consent would be inoperative.
Road Manager	158(4)(d)	Power to decide to give the consent but the consent is inoperative without the other entity's approval.
Road Manager	159(2)	Power to notify the Regulator of the things stated in section 159(2)(a) and (b).
Relevant Road Manager	160(1)	Power to consent to the grant of a mass or dimension authority subject to the specified conditions.
Relevant Road Manager	160(2)(a)	Power to give the regulator a written statement that explains the road manager's decision to give consent to the grant of the authority, subject to the condition and complies with section 172.
Relevant Road Manager	161(1)	Power to consent to the grant of an authority subject to conditions.
Relevant Road Manager	161(2)(a)	Power to give a Regulator a written statement that explains the Road Manager's decision to consent to the grant of an authority subject to conditions which complies with section 172.
Relevant Road Manager	162(1)	Power to ask the Regulator to impose stated vehicle conditions on an authority.
Relevant Road Manager	167(2)(b)	Power to give the Regulator a Notice of Objection to the application under section 167 to a proposed replacement authority within the time specified.
Relevant Road Manager	167(3)	Power to give written notice to the Regulator that the Road Manager gives or refuses consent.
Relevant Road Manager	169(1)	Power to give consent to the grant of a mass or dimension authority for a trial period as set in that section.

### **Division 3 – Amendment, cancellation or suspension of mass or dimension authority granting by Commonwealth Gazette Notice**

<b>Entity power given to</b>	<b>Section of HVNL</b>	<b>Description</b>
Relevant Road Manager	174(1)	Power to be satisfied the use of heavy vehicles on a road under the Authority in the circumstances set out in section 174(1)(a) – (c).
Relevant Road Manager	174(2)	Power to ask the Regulator about the matters stated in section 174(2)(a)(ia) – (iii) and (2)(b).

### **Division 4 – Amendment, cancellation or suspension of mass or dimension authority granted by permit**

<b>Entity power given to</b>	<b>Section of HVNL</b>	<b>Description</b>
Relevant Road Manager	178(1)	Power to be satisfied the use of heavy vehicles on a road under the Authority will do the things stated in section 178(1)(a) –(c).
Relevant Road Manager	178(2)	Power to ask the Regulator about the things stated in section 178(2)(a) and (b).

## CHAPTER 10 – SANCTIONS AND PROVISIONS ABOUT LIABILITY FOR OFFENCES

### Part 10.1 – Formal warnings

Entity power given to	Section of HVNL	Description
Person	590A(2)	Power to provide undertaking to the Regulator or an authorised officer (the promisee) in relation to a contravention or alleged contravention of the Law.
Person	590C(1)	Power to at any time, with the written agreement of the promisee to withdraw the undertaking or change the undertaking.

### Part 10.4 – Provisions about liability

Entity power given to	Section of HVNL	Description
Person	632(A)(4)	Power to introduce evidence of complying with this Law in a way that differs from the code but that provides a standard of safety or protection equivalent to or higher than the standard required in the code.

## CHAPTER 11 – REVIEWS AND APPEALS

### Part 11.2 – Internal review

Entity power given to	Section of HVNL	Description
Reviewer	644(2)	Power to conduct the review as set out in section 664(2).
Reviewer	644(3)	Power to give an applicant a reasonable opportunity to make written or oral representations to the Reviewer.
Reviewer	645(1)	Power to make a review decision.
Reviewer	645(5)	Power to give the Regulator notice of a review decision stating the decision and the reasons for the decision.
Road Manager	645(6)(ii)	Power to agree with the Regulator to a longer period for a review of a reviewable decision.

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

1. The delegate is not permitted to sub-delegate.
2. Where the delegated power is a statutory power, the delegation is subject to the same conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government.
3. 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). The delegated power shall be subject to prior Council consultation where the exercise of any delegated power may in all reasonable likelihood:
  - (a) impact on land and/or sea; and/or
  - (b) involve payment of compensation regarding land; and/or
  - (c) require a budget amendment.
4. 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.
5. Unless a higher financial delegation is explicitly provided for in the delegation, any decision of the delegate must be made within the financial delegation of the delegate.
6. Unless explicitly provided for in the delegation, 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.
7. 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.
8. 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.
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.
13. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein. 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.

[2021 07 01 - HVNL - Delegation Instrument]

# DELEGABLE POWERS UNDER THE HEAVY VEHICLE NATIONAL LAW (QUEENSLAND) ("HVNL")

## CHAPTER 4 – VEHICLE OPERATIONS – MASS, DIMENSION AND LOADING

### Part 4.5 – Exemptions for particular overmass or oversize vehicles

#### Division 3 – Exemptions by permit

Entity power given to	Section of HVNL	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Relevant Road Manager	124(1)(b)	Power to consent to the grant of an exemption.				

### Part 4.6 – Restricting access to roads by large vehicles that are not overmass or oversize vehicles

#### Division 3 – Authorisation by Commonwealth Gazette notice

Entity power given to	Section of HVNL	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Relevant Road Manager	139(1)(b)	Power to consent to a grant for an authorisation.				

#### Division 4 – Authorisation by permit

Entity power given to	Section of HVNL	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Relevant Road Manager	145(1)(b)	Power to consent to a grant under this section.				

#### Part 4.7 – Particular provision about mass or dimensions authority

#### Division 2 – Obtaining consent of a relevant road manager

Entity power given to	Section of HVNL	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Road Manager	156(1)	Power to decide to give consent within the time specified and agree to a longer period for providing consent.				
Road Manager	156(2)(b)	Power to ask the Regulator for a longer period under subsection 156(1)(b) and power to consider a route assessment is necessary for deciding whether or not to give the consent under section 156(1).				
Local Government Authority	156(2)(c)	Power to be consulted about a Road Manager's decision to grant consent to the grant of a mass or dimension authority.				
Road Manager	156A(1)	Power to decide not to give consent to the grant of a mass or dimension authority if satisfied of the things stated in section 156A(1)(a) and (b).				
Road Manager	156A(2)	Power to consider whether the mass of the vehicle under the application for authority was less than applied for and to give consent				

		subject to a road condition that the vehicle not exceed the mass.				
Relevant Road Manager	156A(4)	Power to give the Regulator a written statement that explains the Road Manager's decision and complies with section 172.				
Road Manager	158(4)(c)	Power to decide not to give the consent on the ground that the consent would be inoperative.				
Road Manager	158(4)(d)	Power to decide to give the consent but the consent is inoperative without the other entity's approval.				
Road Manager	159(2)	Power to notify the Regulator of the things stated in section 159(2)(a) and (b).				
Relevant Road Manager	160(1)	Power to consent to the grant of a mass or dimension authority subject to the specified conditions.				
Relevant Road Manager	160(2)(a)	Power to give the regulator a written statement that explains the road manager's decision to give consent to the grant of the authority, subject to the condition and complies with section 172.				
Relevant Road Manager	161(1)	Power to consent to the grant of an authority subject to conditions.				
Relevant Road Manager	161(2)(a)	Power to give a Regulator a written statement that explains the Road Manager's decision to consent to the grant of an authority subject to conditions which complies with section 172.				
Relevant Road Manager	162(1)	Power to ask the Regulator to impose stated vehicle conditions on an authority.				

Relevant Road Manager	167(2)(b)	Power to give the Regulator a Notice of Objection to the application under section 167 to a proposed replacement authority within the time specified.				
Relevant Road Manager	167(3)	Power to give written notice to the Regulator that the Road Manager gives or refuses consent.				
Relevant Road Manager	169(1)	Power to give consent to the grant of a mass or dimension authority for a trial period as set in that section.				

**Division 3 – Amendment, cancellation or suspension of mass or dimension authority granting by Commonwealth Gazette Notice**

Entity power given to	Section of HVNL	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Relevant Road Manager	174(1)	Power to be satisfied the use of heavy vehicles on a road under the Authority in the circumstances set out in section 174(1)(a) – (c).				
Relevant Road Manager	174(2)	Power to ask the Regulator about the matters stated in section 174(2)(a)(ia) – (iii) and (2)(b).				

**Division 4 – Amendment, cancellation or suspension of mass or dimension authority granted by permit**

Entity power given to	Section of HVNL	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Relevant Road Manager	178(1)	Power to be satisfied the use of heavy vehicles on a road under the Authority will do the things stated in section 178(1)(a) –(c).				
Relevant Road Manager	178(2)	Power to ask the Regulator about the things stated in section 178(2)(a) and (b).				

**CHAPTER 10 – SANCTIONS AND PROVISIONS ABOUT LIABILITY FOR OFFENCES**

**Part 10.1 – Formal warnings**

Entity power given to	Section of HVNL	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person	590A(2)	Power to provide undertaking to the Regulator or an authorised officer (the promisee) in relation to a contravention or alleged contravention of the Law.				
Person	590C(1)	Power to at any time, with the written agreement of the promisee to withdraw the undertaking or change the undertaking.				

**Part 10.4 – Provisions about liability**

Entity power given to	Section of HVNL	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
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Person	632(A)(4)	Power to introduce evidence of complying with this Law in a way that differs from the code but that provides a standard of safety or protection equivalent to or higher than the standard required in the code.				
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## CHAPTER 11 – REVIEWS AND APPEALS

### Part 11.2 – Internal review

Entity power given to	Section of HVNL	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Reviewer	644(2)	Power to conduct the review as set out in section 664(2).				
Reviewer	644(3)	Power to give an applicant a reasonable opportunity to make written or oral representations to the Reviewer.				
Reviewer	645(1)	Power to make a review decision.				
Reviewer	645(5)	Power to give the Regulator notice of a review decision stating the decision and the reasons for the decision.				
Road Manager	645(6)(ii)	Power to agree with the Regulator to a longer period for a review of a reviewable decision.				

[2021 07 01 - HVNL - Delegation Table]

**Torres Strait Island Regional Council**  
***Heavy Vehicle National Law (Queensland) ("HVNL")***

**James William**  
Chief Executive Officer  
**Torres Strait Island Regional Council**

**Position:** Executive Director Engineering Services

## POWERS SUB-DELEGATED

### *Heavy Vehicle National Law (Queensland) ("HVNL")*

#### CHAPTER 4 – VEHICLE OPERATIONS – MASS, DIMENSION AND LOADING

##### Part 4.5 – Exemptions for particular overmass or oversize vehicles

###### Division 3 – Exemptions by permit

Entity power given to	Section of HVNL	Description
Relevant Road Manager	124(1)(b)	Power to consent to the grant of an exemption.

##### Part 4.6 – Restricting access to roads by large vehicles that are not overmass or oversize vehicles

###### Division 3 – Authorisation by Commonwealth Gazette notice

Entity power given to	Section of HVNL	Description
Relevant Road Manager	139(1)(b)	Power to consent to a grant for an authorisation.

###### Division 4 – Authorisation by permit

Entity power given to	Section of HVNL	Description
Relevant Road Manager	145(1)(b)	Power to consent to a grant under this section.

##### Part 4.7 – Particular provision about mass or dimensions authority

###### Division 2 – Obtaining consent of a relevant road manager

Entity power given to	Section of HVNL	Description
Road Manager	156(1)	Power to decide to give consent within the time specified and agree to a longer period for providing consent.
Road Manager	156(2)(b)	Power to ask the Regulator for a longer period under subsection 156(1)(b) and power to consider a route assessment is necessary for deciding whether or not to give the consent under section 156(1).
Local Government Authority	156(2)(c)	Power to be consulted about a Road Manager's decision to grant consent to the grant of a mass or dimension authority.
Road Manager	156A(1)	Power to decide not to give consent to the grant of a mass or dimension authority if satisfied of the things stated in section 156A(1)(a) and (b).
Road Manager	156A(2)	Power to consider whether the mass of the vehicle under the application for authority was less than applied for and to give consent subject to a road condition that the vehicle not exceed the mass.

Relevant Road Manager	156A(4)	Power to give the Regulator a written statement that explains the Road Manager's decision and complies with section 172.
Road Manager	158(4)(c)	Power to decide not to give the consent on the ground that the consent would be inoperative.
Road Manager	158(4)(d)	Power to decide to give the consent but the consent is inoperative without the other entity's approval.
Road Manager	159(2)	Power to notify the Regulator of the things stated in section 159(2)(a) and (b).
Relevant Road Manager	160(1)	Power to consent to the grant of a mass or dimension authority subject to the specified conditions.
Relevant Road Manager	160(2)(a)	Power to give the regulator a written statement that explains the road manager's decision to give consent to the grant of the authority, subject to the condition and complies with section 172.
Relevant Road Manager	161(1)	Power to consent to the grant of an authority subject to conditions.
Relevant Road Manager	161(2)(a)	Power to give a Regulator a written statement that explains the Road Manager's decision to consent to the grant of an authority subject to conditions which complies with section 172.
Relevant Road Manager	162(1)	Power to ask the Regulator to impose stated vehicle conditions on an authority.
Relevant Road Manager	167(2)(b)	Power to give the Regulator a Notice of Objection to the application under section 167 to a proposed replacement authority within the time specified.
Relevant Road Manager	167(3)	Power to give written notice to the Regulator that the Road Manager gives or refuses consent.
Relevant Road Manager	169(1)	Power to give consent to the grant of a mass or dimension authority for a trial period as set in that section.

**Division 3 – Amendment, cancellation or suspension of mass or dimension authority granting by Commonwealth Gazette Notice**

Entity power given to	Section of HVNL	Description
Relevant Road Manager	174(1)	Power to be satisfied the use of heavy vehicles on a road under the Authority in the circumstances set out in section 174(1)(a) – (c).
Relevant Road Manager	174(2)	Power to ask the Regulator about the matters stated in section 174(2)(a)(ia) – (iii) and (2)(b).

**Division 4 – Amendment, cancellation or suspension of mass or dimension authority granted by permit**

Entity power given to	Section of HVNL	Description
Relevant Road Manager	178(1)	Power to be satisfied the use of heavy vehicles on a road under the Authority will do the things stated in section 178(1)(a) – (c).
Relevant Road Manager	178(2)	Power to ask the Regulator about the things stated in section 178(2)(a) and (b).

## CHAPTER 10 – SANCTIONS AND PROVISIONS ABOUT LIABILITY FOR OFFENCES

### Part 10.1 – Formal warnings

Entity power given to	Section of HVNL	Description
Person	590A(2)	Power to provide undertaking to the Regulator or an authorised officer (the promisee) in relation to a contravention or alleged contravention of the Law.
Person	590C(1)	Power to at any time, with the written agreement of the promisee to withdraw the undertaking or change the undertaking.

### Part 10.4 – Provisions about liability

Entity power given to	Section of HVNL	Description
Person	632(A)(4)	Power to introduce evidence of complying with this Law in a way that differs from the code but that provides a standard of safety or protection equivalent to or higher than the standard required in the code.

## CHAPTER 11 – REVIEWS AND APPEALS

### Part 11.2 – Internal review

Entity power given to	Section of HVNL	Description
Reviewer	644(2)	Power to conduct the review as set out in section 664(2).
Reviewer	644(3)	Power to give an applicant a reasonable opportunity to make written or oral representations to the Reviewer.
Reviewer	645(1)	Power to make a review decision.
Reviewer	645(5)	Power to give the Regulator notice of a review decision stating the decision and the reasons for the decision.
Road Manager	645(6)(ii)	Power to agree with the Regulator to a longer period for a review of a reviewable decision.

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

1. Where the delegated power is a statutory power, the delegation is subject to the same conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government.
2. 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). The delegated power shall be subject to prior Council consultation where the exercise of any delegated power may in all reasonable likelihood:
  - (a) impact on land and/or sea; and/or
  - (b) involve payment of compensation regarding land; and/or
  - (c) require a budget amendment.
3. 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.
4. Unless a higher financial delegation is explicitly provided for in the delegation, any decision of the delegate must be made within the financial delegation of the delegate.
5. Unless explicitly provided for in the delegation, 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.
6. 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.
7. 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.
8. 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).
9. 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.
10. 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.

11. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.
12. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein. 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.

[2021 07 01 - HVNL - Sub-Delegation Instrument]

# **INSTRUMENT OF DELEGATION**

## **Torres Strait Island Regional Council** ***Heavy Vehicle (Mass, Dimension and Loading) National Regulation ("HVNR")***

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.

**Heavy Vehicle (Mass, Dimension and Loading) National Regulation ("HVNR")****Part 2 – Mass requirements****Division 3 – Additional provisions relating to higher mass limits****Subdivision 1 – HML declarations**

Entity power given to	Section of HVNR	Description
Relevant Road Manager	13(1)(b)	Power to consent to the making of the declaration.
Relevant Road Manager	14(3)	Power to consent to the declaration subject to conditions.
Relevant Road Manager	18(1)	Power to be satisfied of the matters stated in section 18(1)(a) to (c).
Road Manager	18(2)(a)	In certain circumstances, power to ask the Regulator to amend the declaration.
Road Manager	18(2)(b)	In certain circumstances, power to ask the Regulator to cancel a declaration.

**Subdivision 2 – HML permits**

Entity power given to	Section of HVNR	Description
Relevant Road Manager	24(1)(a)	Power to require road conditions or travel conditions be imposed for a HML permit.
Relevant Road Manager	29(4)(c)	Power to be consulted by the Regulator about giving consent to an amendment of a HML permit and power to consent to an amendment of the HML permit.
Relevant Road Manager	31(1)	Power to be satisfied of the matters stated in section 31(1)(a) to (c).
Relevant Road Manager	31(2)(a)	Power to ask the Regulator to amend the HML permit in certain circumstances.
Relevant Road Manager	31(2)(b)	In certain circumstances, power to ask the Regulator to cancel a HML permit.

**Part 5 – Exemptions for particular overmass or oversize vehicles****Division 2 – Declaration of areas, roads and routes and major roads**

Entity power given to	Section of HVNR	Description
Relevant Road Manager	41(1)	Power to consent to a declaration made under section 40.

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

1. Where the delegated power is a statutory power, the delegation is subject to the same conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government.
2. 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). The delegated power shall be subject to prior Council consultation where the exercise of any delegated power may in all reasonable likelihood:
  - (a) impact on land and/or sea; and/or
  - (b) involve payment of compensation regarding land; and/or
  - (c) require a budget amendment.
3. 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.
4. Unless a higher financial delegation is explicitly provided for in the delegation, any decision of the delegate must be made within the financial delegation of the delegate.
5. Unless explicitly provided for in the delegation, 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.
6. 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.
7. 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.
8. 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).
9. 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.
10. 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.

11. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.
12. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein. 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.

[2021 02 22 - HVNR - Delegation Instrument]

# DELEGABLE POWERS UNDER THE HEAVY VEHICLE (MASS, DIMENSION AND LOADING) NATIONAL REGULATION ("HVNR")

## Part 2 – Mass requirements

### Division 3 – Additional provisions relating to higher mass limits

#### *Subdivision 1 – HML declarations*

Entity power given to	Section of HVNR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Relevant Road Manager	13(1)(b)	Power to consent to the making of the declaration.				
Relevant Road Manager	14(3)	Power to consent to the declaration subject to conditions.				
Relevant Road Manager	18(1)	Power to be satisfied of the matters stated in section 18(1)(a) to (c).				
Road Manager	18(2)(a)	In certain circumstances, power to ask the Regulator to amend the declaration.				
Road Manager	18(2)(b)	In certain circumstances, power to ask the Regulator to cancel a declaration.				

**Subdivision 2 – HML permits**

Entity power given to	Section of HVNR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Relevant Road Manager	24(1)(a)	Power to require road conditions or travel conditions be imposed for a HML permit.				
Relevant Road Manager	29(4)(c)	Power to be consulted by the Regulator about giving consent to an amendment of a HML permit and power to consent to an amendment of the HML permit.				
Relevant Road Manager	31(1)	Power to be satisfied of the matters stated in section 31(1)(a) to (c).				
Relevant Road Manager	31(2)(a)	Power to ask the Regulator to amend the HML permit in certain circumstances.				
Relevant Road Manager	31(2)(b)	In certain circumstances, power to ask the Regulator to cancel a HML permit.				

**Part 5 – Exemptions for particular overmass or oversize vehicles****Division 2 – Declaration of areas, roads and routes and major roads**

Entity power given to	Section of HVNR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Relevant Road Manager	41(1)	Power to consent to a declaration made under section 40.				

[2021 02 22 - HVNR - Delegation Table]

# INSTRUMENT OF SUB-DELEGATION

**Torres Strait Island Regional Council**  
***Heavy Vehicle (Mass, Dimension and Loading) National Regulation ("HVNR")***

Under section 259 of the *Local Government Act 2009*, I, **James William**, 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                      2023.

**James William**  
Chief Executive Officer  
**Torres Strait Island Regional Council**

**Position:** Executive Director Engineering Services

## POWERS SUB-DELEGATED

### *Heavy Vehicle (Mass, Dimension and Loading) National Regulation ("HVNR")*

#### Part 2 – Mass requirements

##### Division 3 – Additional provisions relating to higher mass limits

##### *Subdivision 1 – HML declarations*

Entity power given to	Section of HVNR	Description
Relevant Road Manager	13(1)(b)	Power to consent to the making of the declaration.
Relevant Road Manager	14(3)	Power to consent to the declaration subject to conditions.
Relevant Road Manager	18(1)	Power to be satisfied of the matters stated in section 18(1)(a) to (c).
Road Manager	18(2)(a)	In certain circumstances, power to ask the Regulator to amend the declaration.
Road Manager	18(2)(b)	In certain circumstances, power to ask the Regulator to cancel a declaration.

##### *Subdivision 2 – HML permits*

Entity power given to	Section of HVNR	Description
Relevant Road Manager	24(1)(a)	Power to require road conditions or travel conditions be imposed for a HML permit.
Relevant Road Manager	29(4)(c)	Power to be consulted by the Regulator about giving consent to an amendment of a HML permit and power to consent to an amendment of the HML permit.
Relevant Road Manager	31(1)	Power to be satisfied of the matters stated in section 31(1)(a) to (c).
Relevant Road Manager	31(2)(a)	Power to ask the Regulator to amend the HML permit in certain circumstances.
Relevant Road Manager	31(2)(b)	In certain circumstances, power to ask the Regulator to cancel a HML permit.

#### Part 5 – Exemptions for particular overmass or oversize vehicles

##### Division 2 – Declaration of areas, roads and routes and major roads

Entity power given to	Section of HVNR	Description
Relevant Road Manager	41(1)	Power to consent to a declaration made under section 40.

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

1. Where the delegated power is a statutory power, the delegation is subject to the same conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government.
2. 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). The delegated power shall be subject to prior Council consultation where the exercise of any delegated power may in all reasonable likelihood:
  - (a) impact on land and/or sea; and/or
  - (b) involve payment of compensation regarding land; and/or
  - (c) require a budget amendment.
3. 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.
4. Unless a higher financial delegation is explicitly provided for in the delegation, any decision of the delegate must be made within the financial delegation of the delegate.
5. Unless explicitly provided for in the delegation, 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.
6. 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.
7. 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.
8. 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).
9. 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.
10. 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.

11. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.
12. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein. 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.

[2021 02 22 - HVNR - Sub-Delegation Instrument]

# **INSTRUMENT OF DELEGATION**

## **Torres Strait Island Regional Council** ***Industrial Relations Act 2016 ("INRA")***

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

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

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

***Industrial Relations Act 2016 ("INRA")*****CHAPTER 1 – MODERN EMPLOYMENT CONDITIONS****Part 3 – Queensland employment standards****Division 4 – Flexible working arrangements**

Entity power given to	Section of INRA	Description
Employer	28(1)	Power to decide to: (a) grant the request; (b) grant the request in part or subject to conditions; or (c) refuse the request.
Employer	28(2)	Power to grant request, in part or subject to conditions, or refuse the request only on reasonable grounds.
Employer	28(3)	Power to give the employee written notice about its decision within 21 days after receiving the request.

**Division 5 – Annual leave*****Subdivision 2 – Taking annual leave***

Entity power given to	Section of INRA	Description
Employer	33(1)	Power to agree with employee when the employee is to take annual leave
Employer	33(3)(a)	Power where the employee and employer cannot agree, to decide when the employee is to take leave.
Employer	33(3)(b)	Power where the employee and employer cannot agree, to give the employee at least 8 weeks written notice of the starting date of the leave.
Employer	33(4)	Power to agree with employee that the employee take all or part of the employee's annual leave before becoming entitled to it.

**Division 7 – Domestic and family violence leave**

Entity power given to	Section of INRA	Description
Employer	54(1)	Power to ask an employee to provide evidence that the employee has experienced domestic violence and need to take leave as a result.

**Division 8 – Parental leave*****Subdivision 3 – Notices and information***

Entity power given to	Section of INRA	Description
Employer	63(4)	Power to ask the employee for a health practitioner's certificate.

Employer	64(4)	Power to ask the employee for a health practitioner's certificate.
Employer	72(4)	Power to give the employee a reasonable opportunity to discuss any significant effect the change will have on the employee's position.

***Subdivision 4 – Application to extend parental leave or return part-time***

Entity power given to	Section of INRA	Description
Employer	76(1)	In the specified circumstances, the power in deciding whether to agree to an application for extension or part-time work, to consider the specified matters.
Employer	76(4)	In the specified circumstances, the power to advise the employee in writing of the employer's decision.
Employer	76(5)	In the specified circumstances, the power to provide the employee with written reasons for refusing the application.

***Subdivision 6 – Other entitlements***

Entity power given to	Section of INRA	Description
Employer	92(1)	In the specified circumstances, the power to give the replacement employee a written notice informing them of specified matters.

***Subdivision 9 – Miscellaneous provisions***

Entity power given to	Section of INRA	Description
Employer	110(2)(b)	Power to agree with an employee by a signed agreement that a payment may be made

**Division 13 – Notice of termination and redundancy**

***Subdivision 1 – Notice of termination***

Entity power given to	Section of INRA	Description
Employer	121(1)	In the specified circumstances, the power to dismiss an employee.

***Subdivision 2 – Redundancy pay***

Entity power given to	Section of INRA	Description
Employer	127(2)	Power to apply to the commission to make an order reducing the amount of the redundancy pay to a stated amount the commission considers appropriate.

## CHAPTER 4 – COLLECTIVE BARGAINING

### Part 1 – Preliminary

#### Division 2 – Some basis concepts about collective bargaining

Entity power given to	Section of INRA	Description
Employer	165	Power to enter into certified agreement.
Employer	167(a)	Power to consent to the making of a bargaining award.

### Part 2 – Collective bargaining process

Entity power given to	Section of INRA	Description
Proposer	169(1)	Power to negotiate with a view to a bargaining instrument being made.
Proposer	169(2)	Power to give the specified persons a notice of intention of the proposer's intention to start negotiating.
Employer	172(2)	Power to negotiate with the single bargaining unit.
Negotiating Party	173(2)(a)	Power to attend and participate in bargaining meetings.
Negotiating Party	173(2)(b)	Power to disclose relevant information, other than confidential or commercially sensitive information, in a timely way.
Negotiating Party	173(2)(c)(i)	Power to genuinely consider proposals made by the other parties and respond in a timely way.
Negotiating Party	173(2)(c)(ii)	Power to genuinely consider proposals made by the other parties and give reasons for its response.
Negotiating Party	173(5)	Power to make an agreement about procedures or principles for the conduct of the bargaining process.

### Part 3 – Conciliation and arbitration by commission

#### Division 1 – Conciliation

Entity power given to	Section of INRA	Description
Negotiating Party	175(1)(b)	Power to ask the commission to help the parties reach agreement.
Negotiating Party	175(2)	Power to notify the commission that the parties intend to resume negotiating without the commission's help.
Negotiating Party	178(1)	Power to apply to the commission for arbitration of the matter.

### Part 4 – Scope orders

Entity power given to	Section of INRA	Description
Negotiating Party	184(1)	In the specified circumstances, the power to apply to the commission for a scope order in relation to a proposed bargaining instrument.

**Part 5 – Certifying agreements and making bargaining awards****Division 1 – Making and hearing applications**

Entity power given to	Section of INRA	Description
Party to the agreement	189(1)	Power to make an application to the commission to certify an agreement.
Party to the bargaining award	190(2)	In the specified circumstances under subsection 190(3), the power to make an application to the commission to make a bargaining award and terminate the relevant modern award.

**Division 2 – Deciding applications*****Subdivision 3 – No disadvantage test***

Entity power given to	Section of INRA	Description
Employer	213(1)(a)	Power to propose to make a certified agreement.
Employer	213(2)	Power to apply to the commission for a decision under subsection (3).

**Part 7 – Extending, amending and terminating bargaining instruments etc****Division 1 – Extension of bargaining instruments**

Entity power given to	Section of INRA	Description
Employer	223(1)	Power to apply to the commission to extend the bargaining instrument's nominal expiry date.

**Division 2 – Amendments of bargaining instruments**

Entity power given to	Section of INRA	Description
Employer	225(1)	Power to apply to the commission to amend a bargaining instrument.
Party to bargaining award	226(2)	Power to apply to the commission to amend the bargaining award so the award applies to the proposed new party.

**Division 3 – Termination of certified agreements and arbitration determinations**

Entity power given to	Section of INRA	Description
Employer	227(1)	In the specified circumstances, the power to apply to the commission to terminate the certified agreement or arbitration determination.
Employer	228(1)(a)	In the specified circumstances, the power to apply to the commission to terminate the certified agreement or arbitration determination.
Person	228(2)	Power to give a notice of intention to all other persons to whom the agreement or determination applies.

**Part 8 – Protected industrial action****Division 1 – Preliminary**

Entity power given to	Section of INRA	Description
Negotiating Party	232	Power to take protected industrial action for the proposed bargaining instrument, subject to specified conditions in this part.

**Division 2 – Process for taking protected industrial action**

Entity power given to	Section of INRA	Description
Employer	236(1)	In the specified circumstances, the power in specified circumstances to give written notice of the intention to take industrial action to all of the negotiating parties of the proposed bargaining instrument.
Employer	236(2)	Power to instead of giving written notice, take any other reasonable steps to notify employees of the intended action.

**Division 4 – Suspension or termination by commission of protected industrial action**

Entity power given to	Section of INRA	Description
Negotiating Party	240(1)	In the specified circumstances, the power in specified circumstances, to apply to the commission for an order to suspend or terminate protected industrial action for a proposed bargaining instrument being engaged in.
Negotiating Party	241(1)	In the specified circumstances, the power in specified circumstances, to apply to the commission to suspend or terminate protected industrial action for a proposed bargaining instrument being engaged in or threatened to be engaged in.

**Part 9 – General**

Entity power given to	Section of INRA	Description
Employer	242(2)	In the specified circumstances, the power to apply to the registrar for a certificate stating that the employer need not negotiate with an employee organisation.

**CHAPTER 6 – INDUSTRIAL DISPUTES****Part 2 – Notice of industrial dispute**

Entity power given to	Section of INRA	Description
Party to a dispute	261(2)	Power to give the registrar written notice of the dispute.

**Part 3 – Actions for preventing or settling disputes**

Entity power given to	Section of INRA	Description
Party involved in cause	263(a)	Power to request the commission to act as mediator in an industrial cause, whether or not it is within the jurisdiction of the commission.

**Part 4 – Industrial action**

Entity power given to	Section of INRA	Description
Employer	269(1)	Power to apply to the commission to make an order for a contravention of section 268.

**CHAPTER 8 – RIGHTS AND RESPONSIBILITIES OF EMPLOYEES, EMPLOYERS, ORGANISATIONS ETC.****Part 2 – Dismissals****Division 3 – Requirements of dismissal*****Subdivision 2 – Order giving effect of article 13 of Termination of Employment Convention***

Entity power given to	Section of INRA	Description
Employer	329(1)	In the specified circumstances, the power to dismiss the employees if the employer as soon as practicable after making the decision notifies the specified persons.
Employer	330(1)	In the specified circumstances, the power to consult with each employee organisation of which any of the employee's is a member in relation to specified matters.

**Division 4 – Stand-down of employees**

Entity power given to	Section of INRA	Description
Employer	333(1)	Power to stand down an employee on a day, or for part of a day, when the employee can not be usefully employed because of something that happened: <ul style="list-style-type: none"> <li>(a) for which the employer is not responsible; or</li> <li>(b) over which the employer has no control.</li> </ul>

**CHAPTER 9 – RECORDS AND WAGES****Part 1 – Employers records****Division 3 – Employers to keep certain records**

Entity power given to	Section of INRA	Description
Employer	341(1)	Power to keep an employee register that contains the specified information for each employee.

#### **Division 4 – Power to inspect certain records**

<b>Entity power given to</b>	<b>Section of INRA</b>	<b>Description</b>
Employer	347(2)	In the specified circumstances, the power to agree to employee request to inspect the time and wages record.

#### **Part 2 – Wages and occupations superannuation**

##### **Division 3 – Protection for wages**

<b>Entity power given to</b>	<b>Section of INRA</b>	<b>Description</b>
Employer	371(5)	Power before making a deduction from wages, to give the employee written acknowledgment of the employee's non-written consent authorising the deduction.

### **CHAPTER 11 – INDUSTRIAL TRIBUNALS AND REGISTRY**

#### **Part 2 – Industrial relations commission**

##### **Division 4 – Particular powers of commission**

##### ***Subdivision 5 – Interpretation of industrial instruments***

<b>Entity power given to</b>	<b>Section of INRA</b>	<b>Description</b>
Entity mentioned in section 468	467(1)	Power to apply to the commission for and interpretation of an industrial instrument other than a certified agreement or bargaining award.

##### ***Subdivision 6 – Assistance by commission***

<b>Entity power given to</b>	<b>Section of INRA</b>	<b>Description</b>
Party to industrial cause	469(1)	In the specified circumstances, the power to ask the commission to assist the parties in negotiating or resolving a matter relevant to the industrial cause.
Party to industrial cause	469(2)	Power to agree with other party to an industrial cause to make a facilitation request and may be in the form agreed by the parties and include the specified items. (a)
Party to industrial cause	469(4)	Power to decide and agree with the other party, in writing, whether a decision made by the commission is binding on the parties to the industrial cause.
Party to industrial dispute	470(1)(b)	In the specified circumstances, the power to agree with other parties to the dispute that the dispute is to be resolved by the commission.
Party to industrial dispute	470(2)	Power to apply to the commission for the commission to perform the dispute resolution functions to resolve the dispute under the referral agreement.

***Subdivision 7 – Amending or voiding contracts***

Entity power given to	Section of INRA	Description
Entity	471(1)	In the specified circumstances, the power to apply to the commission to amend or declare void (wholly or partly) a contract.

***Subdivision 8 – Injunctions***

Entity power given to	Section of INRA	Description
Party industrial action or an industrial dispute	473(1)	In the specified circumstances, the power to apply to the commission seeking an injunction.

***Subdivision 10 – Orders about right to represent a group of employees***

Entity power given to	Section of INRA	Description
Entity under section 480	479	Power to apply for a specified order of the full bench about a demarcation dispute.
Person affected by order	483(3)	Power to apply to the full bench for an order to make a further order it considers appropriate to ensure the order, an ancillary order and the Act are complied with.

***Subdivision 11 – Reopening proceedings***

Entity power given to	Section of INRA	Description
Party to proceedings	484(1)	Power to apply to the full bench or the commission (as appropriate) for proceedings to be reopened.

***Subdivision 12 – Referring matters to full bench or Court***

Entity power given to	Section of INRA	Description
Party to proceedings	486(4)	Power before the hearing of a matter by the commission starts, to apply to the president for the matter to be referred to the full bench.

**Part 5 –****Proceedings****Division 2 – Starting proceedings and service or process**

Entity power given to	Section of INRA	Description
Employer/ Person who has an interest in the matter	527(1)	Power to apply to start a proceeding in the court or commission, or before the registrar.

### Division 3 – Conduct of proceedings

Entity power given to	Section of INRA	Description
Party to proceedings/ Persons ordered or permitted to appear or be represented	529(1)	Power to be represented in proceedings by an agent appointed in writing or an officer or member of the organisation.
Party to proceedings/ Persons ordered or permitted to appear or be represented	530(1)(a)	Power to consent to parties being represented by a lawyer for proceedings in the Court.
Party to proceedings/ Persons ordered or permitted to appear or be represented	530(1)(b)	Power to seek leave to be represented by a lawyer to the full bench.
Party to proceedings/ Persons ordered or permitted to appear or be represented	530(1)(c)	Power to seek leave to be represented by a lawyer before the commission.
Party to proceedings/ Persons ordered or permitted to appear or be represented	530(1)(e)	Power to consent to parties being represented by a lawyer for other proceedings before the commission.
Party to proceedings/ Persons ordered or permitted to appear or be represented	530(1)(f)	Power to consent to parties being represented by a lawyer for proceedings before an Industrial Magistrates Court.
Party to proceedings	530(1)(g)	Power to consent for parties to be represented by a lawyer in proceedings before the registrar.

## Part 6 –

### Appeals

#### Division 1 – Appeals to Court of Appeal

Entity power given to	Section of INRA	Description
Person Aggrieved	554(1)	In the specified circumstances, the power to appeal a decision of the Court or the full bench to the Court of Appeal.
Person Aggrieved	554(2)	In the specified circumstances, the power to appeal against a decision of the full bench to the Court of Appeal, and seek the Court of Appeal's leave.

#### Division 2 – Appeals to Court

Entity power given to	Section of INRA	Description
Person Aggrieved	556	Power to appeal against the decision of a magistrate to the Court.

Person Aggrieved	557(1)	In the specified circumstances, the power to appeal against the decision of the commission to the Court.
Person Aggrieved	557(2)	In the specified circumstances, the power to appeal against a decision of the commission, and seek the Court's leave.

### Division 3 – Appeals to full bench

Entity power given to	Section of INRA	Description
Person Aggrieved	560(1)	In the specified circumstances, the power to appeal against a decision of the registrar to the full bench.
Person Aggrieved	560(2)	In the specified circumstances, the power to appeal against a decision of the register to the full bench, and seek the full bench's leave.

### Division 5 – General

Entity power given to	Section of INRA	Description
Person Aggrieved	564(2)	Power to apply during or after the appeal period to the industrial tribunal to allow an appeal to be started within a longer period.

### Part 7 – Offence proceedings

Entity power given to	Section of INRA	Description
Parties to proceedings	569(3)	Power to agree with other parties to proceeding to request that proceedings be started or continued before another magistrate at an agreed place in the State other than the place where the proceedings are to be heard and decided under the <i>Justices Act 1886</i> .

## CHAPTER 12 – INDUSTRIAL ORGANISATIONS AND ASSOCIATED ENTITES

### Part 2 – Registration

#### Division 2 – Hearing of registration applications

Entity power given to	Section of INRA	Description
Person	606(1)	In the specified circumstances, the power to object to a registration application.

### Part 5 – Validity and compliance with rules

Entity power given to	Section of INRA	Description
Member of Organisation	646	In the specified circumstances, the power to make a rules application to the Commission.

**Part 8 – Registration****Division 2 – Applications and referrals to commission**

Entity power given to	Section of INRA	Description
Financial Member of Organisation	688	Power to make an application for an election inquiry.

**Part 9 – Officers****Divisions 2 – Disqualifications from candidature or holding office*****Subdivision 2 - Miscellaneous***

Entity power given to	Section of INRA	Description
Member of Organisation	711	In the specified circumstances, the power to apply to the Court for a declaration that a person is not, or was not eligible to be a candidate or to be elected to an office for the organisation or has ceased to hold an office for the organisation.

**Part 10 – Membership****Division 4 - Registration**

Entity power given to	Section of INRA	Description
Member of Organisation	726(1)	In the specified circumstances, the power to resign from membership of the organisation.

**Part 11 – Records and accounts****Division 3 – Financial policies, training and registers**

Entity power given to	Section of INRA	Description
Member of Organisation	744(1)	Power to inspect a policy kept under section 740 or a register kept under sections 742 or 743.
Member of Organisation	744(2)	Power to ask the organisation in writing to make the policy or register available for inspection, free of charge, during the organisation's business hours.

**Part 13 – Validations****Division 3 – Orders about invalidity or its effects**

Entity power given to	Section of INRA	Description
Member of Organisation	835	Power to apply to the commission to decide whether an invalidity has occurred in the specified matters.

**Part 15 – Complaints, investigations and appointment of administrator**  
**Division 1 – Complaints**

Entity power given to	Section of INRA	Description
Person	859(1)	In the specified circumstances, the power to make a complaint to the registrar about an organisation.
Person	859(2)	Power to make a complaint to the registrar about an officer of an organisation if the person believes the officer has engaged in misconduct in relation to the organisation.

**Part 16 – Deregistration**  
**Division 2 – General deregistration provisions**  
**Subdivision 1 – Bringing deregistration proceedings**

Entity power given to	Section of INRA	Description
Member of Organisation	878(f)	Power to agree to deregistration of an organisation.
Specified Person	879(1)	Power to apply to the full bench for a deregistration order on a ground mentioned in section 878.
Person	879(1)(d)	Power to seek leave from the full bench to apply for a deregistration order.

**Part 17 – Miscellaneous**

Entity power given to	Section of INRA	Description
A person who applied for decision under Chapter 12	894(1)(a)	Power to be heard by Industrial Tribunal.
A person in relation to whom the decision is sought or may be made	894(1)(b)	Power to be heard by Industrial Tribunal.
A person who may object to the making of a decision	894(1)(c)	Power to be heard by Industrial Tribunal.

**CHAPTER 14 – GENERAL OFFENCES**

Entity power given to	Section of INRA	Description
Employer	935(2)	Power to give the person the certificate of employment upon receiving the request.

## CHAPTER 17 – GENERAL PROVISIONS

### Part 2 – Other provisions

Entity power given to	Section of INRA	Description
Person	981(2)	Power to file an objection notice with the commission within the stated time and in the stated way.

## CHAPTER 18 – REPEAL AND TRANSITIONAL PROVISIONS

### Part 2 – Transitional provisions for repeal of Industrial Relations Act 1999

#### Division 2 – Existing industrial instruments

##### *Subdivision 3 – Other instruments and orders*

Entity power given to	Section of INRA	Description
Party to the Agreement	1003(2)	Power to apply to the commission to apply section 250 in relation to the application to certify the agreement.

## SCHEDULE 2 – COSTS PROVISIONS FOR PROCEEDINGS UNDER ANTI-DISCRIMINATION ACT 1991

Entity power given to	Section of INRA	Description
Applicant party	11(2)	Power to apply to the commission for an order: (a) requiring another party to give security for the applicant party's costs within the period stated in the order; and (b) staying the proceeding, or the part of the proceeding against the applicant party, until the security is given.

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

1. 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). The delegated power shall be subject to prior Council consultation where the exercise of any delegated power may in all reasonable likelihood:
  - (a) impact on land and/or sea; and/or
  - (b) involve payment of compensation regarding land; and/or
  - (c) require a budget amendment.
2. 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.
3. Unless a higher financial delegation is explicitly provided for in the delegation, any decision of the delegate must be made within the financial delegation of the delegate.
4. Unless explicitly provided for in the delegation, 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.
5. 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.
6. 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.
7. 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).
8. 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.
9. 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.

10. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.
11. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein. 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.

[2022 11 03 - INRA - Delegation Instrument]

# DELEGABLE POWERS UNDER THE INDUSTRIAL RELATIONS ACT 2016 ("INRA")

## CHAPTER 1 – MODERN EMPLOYMENT CONDITIONS

### Part 3 – Queensland employment standards

#### Division 4 – Flexible working arrangements

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Employer	28(1)	Power to decide to: (a) grant the request; (b) grant the request in part or subject to conditions; or (c) refuse the request.				
Employer	28(2)	Power to grant request, in part or subject to conditions, or refuse the request only on reasonable grounds.				
Employer	28(3)	Power to give the employee written notice about its decision within 21 days after receiving the request.				

#### Division 5 – Annual leave

##### *Subdivision 2 – Taking annual leave*

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Employer	33(1)	Power to agree with employee when the employee is to take annual leave				

Employer	33(3)(a)	Power where the employee and employer cannot agree, to decide when the employee is to take leave.				
Employer	33(3)(b)	Power where the employee and employer cannot agree, to give the employee at least 8 weeks written notice of the starting date of the leave.				
Employer	33(4)	Power to agree with employee that the employee take all or part of the employee's annual leave before becoming entitled to it.				

### Division 7 – Domestic and family violence leave

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Employer	54(1)	Power to ask an employee to provide evidence that the employee has experienced domestic violence and need to take leave as a result.				

### Division 8 – Parental leave

#### Subdivision 3 – Notices and information

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Employer	63(4)	Power to ask the employee for a health practitioner's certificate.				
Employer	64(4)	Power to ask the employee for a health practitioner's certificate.				
Employer	72(4)	Power to give the employee a reasonable opportunity to discuss any significant effect				

		the change will have on the employee's position.				
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***Subdivision 4 – Application to extend parental leave or return part-time***

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Employer	76(1)	In the specified circumstances, the power in deciding whether to agree to an application for extension or part-time work, to consider the specified matters.				
Employer	76(4)	In the specified circumstances, the power to advise the employee in writing of the employer's decision.				
Employer	76(5)	In the specified circumstances, the power to provide the employee with written reasons for refusing the application.				

***Subdivision 6 – Other entitlements***

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Employer	92(1)	In the specified circumstances, the power to give the replacement employee a written notice informing them of specified matters.				

***Subdivision 9 – Miscellaneous provisions***

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Employer	110(2)(b)	Power to agree with an employee by a signed agreement that a payment may be made				

**Division 13 – Notice of termination and redundancy*****Subdivision 1 – Notice of termination***

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Employer	121(1)	In the specified circumstances, the power to dismiss an employee.				

***Subdivision 2 – Redundancy pay***

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Employer	127(2)	Power to apply to the commission to make an order reducing the amount of the redundancy pay to a stated amount the commission considers appropriate.				

## CHAPTER 4 – COLLECTIVE BARGAINING

### Part 1 – Preliminary

#### Division 2 – Some basis concepts about collective bargaining

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Employer	165	Power to enter into certified agreement.				
Employer	167(a)	Power to consent to the making of a bargaining award.				

### Part 2 – Collective bargaining process

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Proposer	169(1)	Power to negotiate with a view to a bargaining instrument being made.				
Proposer	169(2)	Power to give the specified persons a notice of intention of the proposer's intention to start negotiating.				
Employer	172(2)	Power to negotiate with the single bargaining unit.				
Negotiating Party	173(2)(a)	Power to attend and participate in bargaining meetings.				
Negotiating Party	173(2)(b)	Power to disclose relevant information, other than confidential or commercially sensitive information, in a timely way.				
Negotiating Party	173(2)(c)(i)	Power to genuinely consider proposals made by the other parties and respond in a timely way.				

Negotiating Party	173(2)(c)(ii)	Power to genuinely consider proposals made by the other parties and give reasons for its response.				
Negotiating Party	173(5)	Power to make an agreement about procedures or principles for the conduct of the bargaining process.				This power is subject to subsections 173(1) and (2).

### Part 3 – Conciliation and arbitration by commission

#### Division 1 – Conciliation

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Negotiating Party	175(1)(b)	Power to ask the commission to help the parties reach agreement.				
Negotiating Party	175(2)	Power to notify the commission that the parties intend to resume negotiating without the commission's help.				
Negotiating Party	178(1)	Power to apply to the commission for arbitration of the matter.				

### Part 4 – Scope orders

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Negotiating Party	184(1)	In the specified circumstances, the power to apply to the commission for a scope order in relation to a proposed bargaining instrument.				

**Part 5 – Certifying agreements and making bargaining awards**

**Division 1 – Making and hearing applications**

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Party to the agreement	189(1)	Power to make an application to the commission to certify an agreement.				
Party to the bargaining award	190(2)	In the specified circumstances under subsection 190(3), the power to make an application to the commission to make a bargaining award and terminate the relevant modern award.				

**Division 2 – Deciding applications**

***Subdivision 3 – No disadvantage test***

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Employer	213(1)(a)	Power to propose to make a certified agreement.				
Employer	213(2)	Power to apply to the commission for a decision under subsection (3).				

**Part 7 – Extending, amending and terminating bargaining instruments etc**

**Division 1 – Extension of bargaining instruments**

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Employer	223(1)	Power to apply to the commission to extend the bargaining instrument's nominal expiry date.				

**Division 2 – Amendments of bargaining instruments**

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Employer	225(1)	Power to apply to the commission to amend a bargaining instrument.				
Party to bargaining award	226(2)	Power to apply to the commission to amend the bargaining award so the award applies to the proposed new party.				

**Division 3 – Termination of certified agreements and arbitration determinations**

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Employer	227(1)	In the specified circumstances, the power to apply to the commission to terminate the certified agreement or arbitration determination.				
Employer	228(1)(a)	In the specified circumstances, the power to apply to the commission to terminate the				

		certified agreement or arbitration determination.				
Person	228(2)	Power to give a notice of intention to all other persons to whom the agreement or determination applies.				

## Part 8 – Protected industrial action

### Division 1 – Preliminary

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Negotiating Party	232	Power to take protected industrial action for the proposed bargaining instrument, subject to specified conditions in this part.		Sub-delegation not recommended.		

### Division 2 – Process for taking protected industrial action

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Employer	236(1)	In the specified circumstances, the power in specified circumstances to give written notice of the intention to take industrial action to all of the negotiating parties of the proposed bargaining instrument.				
Employer	236(2)	Power to instead of giving written notice, take any other reasonable steps to notify employees of the intended action.				

**Division 4 – Suspension or termination by  
commission of protected industrial action**

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Negotiating Party	240(1)	In the specified circumstances, the power in specified circumstances, to apply to the commission for an order to suspend or terminate protected industrial action for a proposed bargaining instrument being engaged in.				
Negotiating Party	241(1)	In the specified circumstances, the power in specified circumstances, to apply to the commission to suspend or terminate protected industrial action for a proposed bargaining instrument being engaged in or threatened to be engaged in.				

**Part 9 – General**

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Employer	242(2)	In the specified circumstances, the power to apply to the registrar for a certificate stating that the employer need not negotiate with an employee organisation.				

## CHAPTER 6 – INDUSTRIAL DISPUTES

### Part 2 – Notice of industrial dispute

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Party to a dispute	261(2)	Power to give the registrar written notice of the dispute.				

### Part 3 – Actions for preventing or settling disputes

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Party involved in cause	263(a)	Power to request the commission to act as mediator in an industrial cause, whether or not it is within the jurisdiction of the commission.				

### Part 4 – Industrial action

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Employer	269(1)	Power to apply to the commission to make an order for a contravention of section 268.				

**CHAPTER 8 – RIGHTS AND RESPONSIBILITIES OF  
EMPLOYEES, EMPLOYERS, ORGANISATIONS ETC.**

**Part 2 – Dismissals**

**Division 3 – Requirements of dismissal**

***Subdivision 2 – Order giving effect of article 13 of  
Termination of Employment Convention***

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Employer	329(1)	In the specified circumstances, the power to dismiss the employees if the employer as soon as practicable after making the decision notifies the specified persons.				This power only relates to a decision made to dismiss 15 or more employees for an economic technological or structural reason.
Employer	330(1)	In the specified circumstances, the power to consult with each employee organisation of which any of the employee's is a member in relation to specified matters.				This power only relates to a decision made to dismiss 15 or more employees for an economic technological or structural reason.

**Division 4 – Stand-down of employees**

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Employer	333(1)	Power to stand down an employee on a day, or for part of a day, when the				

		employee can not be usefully employed because of something that happened: (a) for which the employer is not responsible; or (b) over which the employer has no control.				
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## CHAPTER 9 – RECORDS AND WAGES

### Part 1 – Employers records

#### Division 3 – Employers to keep certain records

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Employer	341(1)	Power to keep an employee register that contains the specified information for each employee.				

#### Division 4 – Power to inspect certain records

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Employer	347(2)	In the specified circumstances, the power to agree to employee request to inspect the time and wages record.				

**Part 2 – Wages and occupations superannuation**

**Division 3 – Protection for wages**

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Employer	371(5)	Power before making a deduction from wages, to give the employee written acknowledgment of the employee's non-written consent authorising the deduction.				

**CHAPTER 11 – INDUSTRIAL TRIBUNALS AND REGISTRY**

**Part 2 – Industrial relations commission**

**Division 4 – Particular powers of commission**

***Subdivision 5 – Interpretation of industrial instruments***

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Entity mentioned in section 468	467(1)	Power to apply to the commission for and interpretation of an industrial instrument other than a certified agreement or bargaining award.				

***Subdivision 6 – Assistance by commission***

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Party to industrial cause	469(1)	In the specified circumstances, the power to ask the commission to assist the parties				

		in negotiating or resolving a matter relevant to the industrial cause.				
Party to industrial cause	469(2)	Power to agree with other party to an industrial cause to make a facilitation request and may be in the form agreed by the parties and include the specified items. (a)				
Party to industrial cause	469(4)	Power to decide and agree with the other party, in writing, whether a decision made by the commission is binding on the parties to the industrial cause.				
Party to industrial dispute	470(1)(b)	In the specified circumstances, the power to agree with other parties to the dispute that the dispute is to be resolved by the commission.				
Party to industrial dispute	470(2)	Power to apply to the commission for the commission to perform the dispute resolution functions to resolve the dispute under the referral agreement.				

***Subdivision 7 – Amending or voiding contracts***

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Entity	471(1)	In the specified circumstances, the power to apply to the commission to amend or declare void (wholly or partly) a contract.				

***Subdivision 8 – Injunctions***

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Party industrial action or an industrial dispute	473(1)	In the specified circumstances, the power to apply to the commission seeking an injunction.				

***Subdivision 10 – Orders about right to represent a group of employees***

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Entity under section 480	479	Power to apply for a specified order of the full bench about a demarcation dispute.				
Person affected by order	483(3)	Power to apply to the full bench for an order to make a further order it considers appropriate to ensure the order, an ancillary order and the Act are complied with.				

***Subdivision 11 – Reopening proceedings***

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Party to proceedings	484(1)	Power to apply to the full bench or the commission (as appropriate) for proceedings to be reopened.				

**Subdivision 12 – Referring matters to full bench or Court**

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Party to proceedings	486(4)	Power before the hearing of a matter by the commission starts, to apply to the president for the matter to be referred to the full bench.				

**Part 5 – Proceedings**

**Division 2 – Starting proceedings and service or process**

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Employer/ Person who has an interest in the matter	527(1)	Power to apply to start a proceeding in the court or commission, or before the registrar.				

**Division 3 – Conduct of proceedings**

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Party to proceedings/ Persons ordered or permitted to appear or be represented	529(1)	Power to be represented in proceedings by an agent appointed in writing or an officer or member of the organisation.				

Party to proceedings/ Persons ordered or permitted to appear or be represented	530(1)(a)	Power to consent to parties being represented by a lawyer for proceedings in the Court.				
Party to proceedings/ Persons ordered or permitted to appear or be represented	530(1)(b)	Power to seek leave to be represented by a lawyer to the full bench.				
Party to proceedings/ Persons ordered or permitted to appear or be represented	530(1)(c)	Power to seek leave to be represented by a lawyer before the commission.				
Party to proceedings/ Persons ordered or permitted to appear or be represented	530(1)(e)	Power to consent to parties being represented by a lawyer for other proceedings before the commission.				
Party to proceedings/ Persons ordered or permitted to appear or be represented	530(1)(f)	Power to consent to parties being represented by a lawyer for proceedings before an Industrial Magistrates Court.				

Party to proceedings	530(1)(g)	Power to consent for parties to be represented by a lawyer in proceedings before the registrar.				
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## Part 6 – Appeals

### Division 1 – Appeals to Court of Appeal

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person Aggrieved	554(1)	In the specified circumstances, the power to appeal a decision of the Court or the full bench to the Court of Appeal.				
Person Aggrieved	554(2)	In the specified circumstances, the power to appeal against a decision of the full bench to the Court of Appeal, and seek the Court of Appeal's leave.				

### Division 2 – Appeals to Court

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person Aggrieved	556	Power to appeal against the decision of a magistrate to the Court.				
Person Aggrieved	557(1)	In the specified circumstances, the power to appeal against the decision of the commission to the Court.				
Person Aggrieved	557(2)	In the specified circumstances, the power to appeal against a decision of the commission, and seek the Court's leave.				

### Division 3 – Appeals to full bench

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person Aggrieved	560(1)	In the specified circumstances, the power to appeal against a decision of the registrar to the full bench.				
Person Aggrieved	560(2)	In the specified circumstances, the power to appeal against a decision of the registrar to the full bench, and seek the full bench's leave.				

### Division 5 – General

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person Aggrieved	564(2)	Power to apply during or after the appeal period to the industrial tribunal to allow an appeal to be started within a longer period.				

### Part 7 – Offence proceedings

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Parties to proceedings	569(3)	Power to agree with other parties to proceeding to request that proceedings be started or continued before another magistrate at an agreed place in the State other than the place where the proceedings are to be heard and decided under the <i>Justices Act 1886</i> .				

## CHAPTER 12 – INDUSTRIAL ORGANISATIONS AND ASSOCIATED ENTITIES

### Part 2 – Registration

#### Division 2 – Hearing of registration applications

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person	606(1)	In the specified circumstances, the power to object to a registration application.				

### Part 5 – Validity and compliance with rules

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Member of Organisation	646	In the specified circumstances, the power to make a rules application to the Commission.				

### Part 8 – Registration

#### Division 2 – Applications and referrals to commission

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Financial Member of Organisation	688	Power to make an application for an election inquiry.				

**Part 9 – Officers**

**Divisions 2 – Disqualifications from candidature  
or holding office**

***Subdivision 2 - Miscellaneous***

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Member of Organisation	711	In the specified circumstances, the power to apply to the Court for a declaration that a person is not, or was not eligible to be a candidate or to be elected to an office for the organisation or has ceased to hold an office for the organisation.				

**Part 10 – Membership**

**Division 4 - Registration**

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Member of Organisation	726(1)	In the specified circumstances, the power to resign from membership of the organisation.				

**Part 11 – Records and accounts**

**Division 3 – Financial policies, training and registers**

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Member of Organisation	744(1)	Power to inspect a policy kept under section 740 or a register kept under sections 742 or 743.				
Member of Organisation	744(2)	Power to ask the organisation in writing to make the policy or register available for inspection, free of charge, during the organisation's business hours.				

**Part 13 – Validations**

**Division 3 – Orders about invalidity or its effects**

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Member of Organisation	835	Power to apply to the commission to decide whether an invalidity has occurred in the specified matters.				

**Part 15 – Complaints, investigations and appointment of administrator**

**Division 1 – Complaints**

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person	859(1)	In the specified circumstances, the power to make a complaint to the registrar about an organisation.				
Person	859(2)	Power to make a complaint to the registrar about an officer of an organisation if the person believes the officer has engaged in misconduct in relation to the organisation.				

**Part 16 – Deregistration**

**Division 2 – General deregistration provisions**

***Subdivision 1 – Bringing deregistration proceedings***

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Member of Organisation	878(f)	Power to agree to deregistration of an organisation.		Sub-delegation not recommended.		
Specified Person	879(1)	Power to apply to the full bench for a deregistration order on a ground mentioned in section 878.				
Person	879(1)(d)	Power to seek leave from the full bench to apply for a deregistration order.				

## Part 17 – Miscellaneous

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
A person who applied for decision under Chapter 12	894(1)(a)	Power to be heard by Industrial Tribunal.				
A person in relation to whom the decision is sought or may be made	894(1)(b)	Power to be heard by Industrial Tribunal.				
A person who may object to the making of a decision	894(1)(c)	Power to be heard by Industrial Tribunal.				

## CHAPTER 14 – GENERAL OFFENCES

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Employer	935(2)	Power to give the person the certificate of employment upon receiving the request.				

## CHAPTER 17 – GENERAL PROVISIONS

### Part 2 – Other provisions

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person	981(2)	Power to file an objection notice with the commission within the stated time and in the stated way.				

## CHAPTER 18 – REPEAL AND TRANSITIONAL PROVISIONS

### Part 2 – Transitional provisions for repeal of Industrial Relations Act 1999

#### Division 2 – Existing industrial instruments

##### *Subdivision 3 – Other instruments and orders*

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Party to the Agreement	1003(2)	Power to apply to the commission to apply section 250 in relation to the application to certify the agreement.				

**SCHEDULE 2 – COSTS PROVISIONS FOR PROCEEDINGS  
UNDER ANTI-DISCRIMINATION ACT 1991**

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Applicant party	11(2)	Power to apply to the commission for an order: (a) requiring another party to give security for the applicant party's costs within the period stated in the order; and (b) staying the proceeding, or the part of the proceeding against the applicant party, until the security is given.				

[2022 11 03 - INRA - Delegation Table]

# INSTRUMENT OF SUB-DELEGATION

**Torres Strait Island Regional Council**  
*Industrial Relations Act 2016 ("INRA")*

Under section 259 of the *Local Government Act 2009*, I, **James William**, 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 \_\_\_\_\_, 2023.

**James William**  
Chief Executive Officer  
**Torres Strait Island Regional Council**

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

## POWERS SUB-DELEGATED

### *Industrial Relations Act 2016 ("INRA")*

#### CHAPTER 1 – MODERN EMPLOYMENT CONDITIONS

##### Part 3 – Queensland employment standards

##### Division 4 – Flexible working arrangements

Entity power given to	Section of INRA	Description
Employer	28(1)	Power to decide to: (a) grant the request; (b) grant the request in part or subject to conditions; or (c) refuse the request.
Employer	28(2)	Power to grant request, in part or subject to conditions, or refuse the request only on reasonable grounds.
Employer	28(3)	Power to give the employee written notice about its decision within 21 days after receiving the request.

##### Division 5 – Annual leave

##### *Subdivision 2 – Taking annual leave*

Entity power given to	Section of INRA	Description
Employer	33(1)	Power to agree with employee when the employee is to take annual leave
Employer	33(3)(a)	Power where the employee and employer cannot agree, to decide when the employee is to take leave.
Employer	33(3)(b)	Power where the employee and employer cannot agree, to give the employee at least 8 weeks written notice of the starting date of the leave.
Employer	33(4)	Power to agree with employee that the employee take all or part of the employee's annual leave before becoming entitled to it.

##### Division 7 – Domestic and family violence leave

Entity power given to	Section of INRA	Description
Employer	54(1)	Power to ask an employee to provide evidence that the employee has experienced domestic violence and need to take leave as a result.

## **Division 8 – Parental leave**

### ***Subdivision 3 – Notices and information***

<b>Entity power given to</b>	<b>Section of INRA</b>	<b>Description</b>
Employer	63(4)	Power to ask the employee for a health practitioner's certificate.
Employer	64(4)	Power to ask the employee for a health practitioner's certificate.
Employer	72(4)	Power to give the employee a reasonable opportunity to discuss any significant effect the change will have on the employee's position.

### ***Subdivision 4 – Application to extend parental leave or return part-time***

<b>Entity power given to</b>	<b>Section of INRA</b>	<b>Description</b>
Employer	76(1)	In the specified circumstances, the power in deciding whether to agree to an application for extension or part-time work, to consider the specified matters.
Employer	76(4)	In the specified circumstances, the power to advise the employee in writing of the employer's decision.
Employer	76(5)	In the specified circumstances, the power to provide the employee with written reasons for refusing the application.

### ***Subdivision 6 – Other entitlements***

<b>Entity power given to</b>	<b>Section of INRA</b>	<b>Description</b>
Employer	92(1)	In the specified circumstances, the power to give the replacement employee a written notice informing them of specified matters.

### ***Subdivision 9 – Miscellaneous provisions***

<b>Entity power given to</b>	<b>Section of INRA</b>	<b>Description</b>
Employer	110(2)(b)	Power to agree with an employee by a signed agreement that a payment may be made

## **Division 13 – Notice of termination and redundancy**

### ***Subdivision 1 – Notice of termination***

<b>Entity power given to</b>	<b>Section of INRA</b>	<b>Description</b>
Employer	121(1)	In the specified circumstances, the power to dismiss an employee.

### ***Subdivision 2 – Redundancy pay***

<b>Entity power given to</b>	<b>Section of INRA</b>	<b>Description</b>
Employer	127(2)	Power to apply to the commission to make an order reducing the amount of the redundancy pay to a stated amount the commission considers appropriate.

## **CHAPTER 4 – COLLECTIVE BARGAINING**

### **Part 1 – Preliminary**

#### **Division 2 – Some basis concepts about collective bargaining**

<b>Entity power given to</b>	<b>Section of INRA</b>	<b>Description</b>
Employer	165	Power to enter into certified agreement.
Employer	167(a)	Power to consent to the making of a bargaining award.

### **Part 2 – Collective bargaining process**

<b>Entity power given to</b>	<b>Section of INRA</b>	<b>Description</b>
Proposer	169(1)	Power to negotiate with a view to a bargaining instrument being made.
Proposer	169(2)	Power to give the specified persons a notice of intention of the proposer's intention to start negotiating.
Employer	172(2)	Power to negotiate with the single bargaining unit.
Negotiating Party	173(2)(a)	Power to attend and participate in bargaining meetings.
Negotiating Party	173(2)(b)	Power to disclose relevant information, other than confidential or commercially sensitive information, in a timely way.
Negotiating Party	173(2)(c)(i)	Power to genuinely consider proposals made by the other parties and respond in a timely way.
Negotiating Party	173(2)(c)(ii)	Power to genuinely consider proposals made by the other parties and give reasons for its response.
Negotiating Party	173(5)	Power to make an agreement about procedures or principles for the conduct of the bargaining process.

### **Part 3 – Conciliation and arbitration by commission**

#### **Division 1 – Conciliation**

<b>Entity power given to</b>	<b>Section of INRA</b>	<b>Description</b>
Negotiating Party	175(1)(b)	Power to ask the commission to help the parties reach agreement.
Negotiating Party	175(2)	Power to notify the commission that the parties intend to resume negotiating without the commission's help.
Negotiating Party	178(1)	Power to apply to the commission for arbitration of the matter.

**Part 4 – Scope orders**

Entity power given to	Section of INRA	Description
Negotiating Party	184(1)	In the specified circumstances, the power to apply to the commission for a scope order in relation to a proposed bargaining instrument.

**Part 5 – Certifying agreements and making bargaining awards****Division 1 – Making and hearing applications**

Entity power given to	Section of INRA	Description
Party to the agreement	189(1)	Power to make an application to the commission to certify an agreement.
Party to the bargaining award	190(2)	In the specified circumstances under subsection 190(3), the power to make an application to the commission to make a bargaining award and terminate the relevant modern award.

**Division 2 – Deciding applications*****Subdivision 3 – No disadvantage test***

Entity power given to	Section of INRA	Description
Employer	213(1)(a)	Power to propose to make a certified agreement.
Employer	213(2)	Power to apply to the commission for a decision under subsection (3).

**Part 7 – Extending, amending and terminating bargaining instruments etc****Division 1 – Extension of bargaining instruments**

Entity power given to	Section of INRA	Description
Employer	223(1)	Power to apply to the commission to extend the bargaining instrument's nominal expiry date.

**Division 2 – Amendments of bargaining instruments**

Entity power given to	Section of INRA	Description
Employer	225(1)	Power to apply to the commission to amend a bargaining instrument.
Party to bargaining award	226(2)	Power to apply to the commission to amend the bargaining award so the award applies to the proposed new party.

**Division 3 – Termination of certified agreements and arbitration determinations**

Entity power given to	Section of INRA	Description
Employer	227(1)	In the specified circumstances, the power to apply to the commission to terminate the certified agreement or arbitration determination.

Employer	228(1)(a)	In the specified circumstances, the power to apply to the commission to terminate the certified agreement or arbitration determination.
Person	228(2)	Power to give a notice of intention to all other persons to whom the agreement or determination applies.

## **Part 8 – Protected industrial action**

### **Division 1 – Preliminary**

<b>Entity power given to</b>	<b>Section of INRA</b>	<b>Description</b>
Negotiating Party	232	Power to take protected industrial action for the proposed bargaining instrument, subject to specified conditions in this part.

### **Division 2 – Process for taking protected industrial action**

<b>Entity power given to</b>	<b>Section of INRA</b>	<b>Description</b>
Employer	236(1)	In the specified circumstances, the power in specified circumstances to give written notice of the intention to take industrial action to all of the negotiating parties of the proposed bargaining instrument.
Employer	236(2)	Power to instead of giving written notice, take any other reasonable steps to notify employees of the intended action.

### **Division 4 – Suspension or termination by commission of protected industrial action**

<b>Entity power given to</b>	<b>Section of INRA</b>	<b>Description</b>
Negotiating Party	240(1)	In the specified circumstances, the power in specified circumstances, to apply to the commission for an order to suspend or terminate protected industrial action for a proposed bargaining instrument being engaged in.
Negotiating Party	241(1)	In the specified circumstances, the power in specified circumstances, to apply to the commission to suspend or terminate protected industrial action for a proposed bargaining instrument being engaged in or threatened to be engaged in.

## **Part 9 – General**

<b>Entity power given to</b>	<b>Section of INRA</b>	<b>Description</b>
Employer	242(2)	In the specified circumstances, the power to apply to the registrar for a certificate stating that the employer need not negotiate with an employee organisation.

## CHAPTER 6 – INDUSTRIAL DISPUTES

### Part 2 – Notice of industrial dispute

Entity power given to	Section of INRA	Description
Party to a dispute	261(2)	Power to give the registrar written notice of the dispute.

### Part 3 – Actions for preventing or settling disputes

Entity power given to	Section of INRA	Description
Party involved in cause	263(a)	Power to request the commission to act as mediator in an industrial cause, whether or not it is within the jurisdiction of the commission.

### Part 4 – Industrial action

Entity power given to	Section of INRA	Description
Employer	269(1)	Power to apply to the commission to make an order for a contravention of section 268.

## CHAPTER 8 – RIGHTS AND RESPONSIBILITIES OF EMPLOYEES, EMPLOYERS, ORGANISATIONS ETC.

### Part 2 – Dismissals

#### Division 3 – Requirements of dismissal

##### *Subdivision 2 – Order giving effect of article 13 of Termination of Employment Convention*

Entity power given to	Section of INRA	Description
Employer	329(1)	In the specified circumstances, the power to dismiss the employees if the employer as soon as practicable after making the decision notifies the specified persons.
Employer	330(1)	In the specified circumstances, the power to consult with each employee organisation of which any of the employee's is a member in relation to specified matters.

#### Division 4 – Stand-down of employees

Entity power given to	Section of INRA	Description
Employer	333(1)	Power to stand down an employee on a day, or for part of a day, when the employee can not be usefully employed because of something that happened: (a) for which the employer is not responsible; or (b) over which the employer has no control.

## CHAPTER 9 – RECORDS AND WAGES

### Part 1 – Employers records

#### Division 3 – Employers to keep certain records

Entity power given to	Section of INRA	Description
Employer	341(1)	Power to keep an employee register that contains the specified information for each employee.

#### Division 4 – Power to inspect certain records

Entity power given to	Section of INRA	Description
Employer	347(2)	In the specified circumstances, the power to agree to employee request to inspect the time and wages record.

### Part 2 – Wages and occupations superannuation

#### Division 3 – Protection for wages

Entity power given to	Section of INRA	Description
Employer	371(5)	Power before making a deduction from wages, to give the employee written acknowledgment of the employee's non-written consent authorising the deduction.

## CHAPTER 11 – INDUSTRIAL TRIBUNALS AND REGISTRY

### Part 2 – Industrial relations commission

#### Division 4 – Particular powers of commission

##### *Subdivision 5 – Interpretation of industrial instruments*

Entity power given to	Section of INRA	Description
Entity mentioned in section 468	467(1)	Power to apply to the commission for and interpretation of an industrial instrument other than a certified agreement or bargaining award.

##### *Subdivision 6 – Assistance by commission*

Entity power given to	Section of INRA	Description
Party to industrial cause	469(1)	In the specified circumstances, the power to ask the commission to assist the parties in negotiating or resolving a matter relevant to the industrial cause.
Party to industrial cause	469(2)	Power to agree with other party to an industrial cause to make a facilitation request and may be in the form agreed by the parties and include the specified items. (a)
Party to industrial cause	469(4)	Power to decide and agree with the other party, in writing, whether a decision made by the commission is binding on the parties to the industrial cause.

Party to industrial dispute	470(1)(b)	In the specified circumstances, the power to agree with other parties to the dispute that the dispute is to be resolved by the commission.
Party to industrial dispute	470(2)	Power to apply to the commission for the commission to perform the dispute resolution functions to resolve the dispute under the referral agreement.

#### ***Subdivision 7 – Amending or voiding contracts***

Entity power given to	Section of INRA	Description
Entity	471(1)	In the specified circumstances, the power to apply to the commission to amend or declare void (wholly or partly) a contract.

#### ***Subdivision 8 – Injunctions***

Entity power given to	Section of INRA	Description
Party industrial action or an industrial dispute	473(1)	In the specified circumstances, the power to apply to the commission seeking an injunction.

#### ***Subdivision 10 – Orders about right to represent a group of employees***

Entity power given to	Section of INRA	Description
Entity under section 480	479	Power to apply for a specified order of the full bench about a demarcation dispute.
Person affected by order	483(3)	Power to apply to the full bench for an order to make a further order it considers appropriate to ensure the order, an ancillary order and the Act are complied with.

#### ***Subdivision 11 – Reopening proceedings***

Entity power given to	Section of INRA	Description
Party to proceedings	484(1)	Power to apply to the full bench or the commission (as appropriate) for proceedings to be reopened.

#### ***Subdivision 12 – Referring matters to full bench or Court***

Entity power given to	Section of INRA	Description
Party to proceedings	486(4)	Power before the hearing of a matter by the commission starts, to apply to the president for the matter to be referred to the full bench.

**Part 5 –****Proceedings****Division 2 – Starting proceedings and service or process**

Entity power given to	Section of INRA	Description
Employer/ Person who has an interest in the matter	527(1)	Power to apply to start a proceeding in the court or commission, or before the registrar.

**Division 3 – Conduct of proceedings**

Entity power given to	Section of INRA	Description
Party to proceedings/ Persons ordered or permitted to appear or be represented	529(1)	Power to be represented in proceedings by an agent appointed in writing or an officer or member of the organisation.
Party to proceedings/ Persons ordered or permitted to appear or be represented	530(1)(a)	Power to consent to parties being represented by a lawyer for proceedings in the Court.
Party to proceedings/ Persons ordered or permitted to appear or be represented	530(1)(b)	Power to seek leave to be represented by a lawyer to the full bench.
Party to proceedings/ Persons ordered or permitted to appear or be represented	530(1)(c)	Power to seek leave to be represented by a lawyer before the commission.
Party to proceedings/ Persons ordered or permitted to appear or be represented	530(1)(e)	Power to consent to parties being represented by a lawyer for other proceedings before the commission.
Party to proceedings/ Persons ordered or permitted to appear or be represented	530(1)(f)	Power to consent to parties being represented by a lawyer for proceedings before an Industrial Magistrates Court.
Party to proceedings	530(1)(g)	Power to consent for parties to be represented by a lawyer in proceedings before the registrar.

**Part 6 –****Appeals****Division 1 – Appeals to Court of Appeal**

Entity power given to	Section of INRA	Description
Person Aggrieved	554(1)	In the specified circumstances, the power to appeal a decision of the Court or the full bench to the Court of Appeal.

Person Aggrieved	554(2)	In the specified circumstances, the power to appeal against a decision of the full bench to the Court of Appeal, and seek the Court of Appeal's leave.
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### Division 2 – Appeals to Court

Entity power given to	Section of INRA	Description
Person Aggrieved	556	Power to appeal against the decision of a magistrate to the Court.
Person Aggrieved	557(1)	In the specified circumstances, the power to appeal against the decision of the commission to the Court.
Person Aggrieved	557(2)	In the specified circumstances, the power to appeal against a decision of the commission, and seek the Court's leave.

### Division 3 – Appeals to full bench

Entity power given to	Section of INRA	Description
Person Aggrieved	560(1)	In the specified circumstances, the power to appeal against a decision of the registrar to the full bench.
Person Aggrieved	560(2)	In the specified circumstances, the power to appeal against a decision of the register to the full bench, and seek the full bench's leave.

### Division 5 – General

Entity power given to	Section of INRA	Description
Person Aggrieved	564(2)	Power to apply during or after the appeal period to the industrial tribunal to allow an appeal to be started within a longer period.

### Part 7 – Offence proceedings

Entity power given to	Section of INRA	Description
Parties to proceedings	569(3)	Power to agree with other parties to proceeding to request that proceedings be started or continued before another magistrate at an agreed place in the State other than the place where the proceedings are to be heard and decided under the <i>Justices Act 1886</i> .

## CHAPTER 12 – INDUSTRIAL ORGANISATIONS AND ASSOCIATED ENTITIES

### Part 2 – Registration

#### Division 2 – Hearing of registration applications

Entity power given to	Section of INRA	Description
Person	606(1)	In the specified circumstances, the power to object to a registration application.

**Part 5 – Validity and compliance with rules**

Entity power given to	Section of INRA	Description
Member of Organisation	646	In the specified circumstances, the power to make a rules application to the Commission.

**Part 8 – Registration**

**Division 2 – Applications and referrals to commission**

Entity power given to	Section of INRA	Description
Financial Member of Organisation	688	Power to make an application for an election inquiry.

**Part 9 – Officers**

**Divisions 2 – Disqualifications from candidature or holding office**

***Subdivision 2 - Miscellaneous***

Entity power given to	Section of INRA	Description
Member of Organisation	711	In the specified circumstances, the power to apply to the Court for a declaration that a person is not, or was not eligible to be a candidate or to be elected to an office for the organisation or has ceased to hold an office for the organisation.

**Part 10 – Membership**

**Division 4 - Registration**

Entity power given to	Section of INRA	Description
Member of Organisation	726(1)	In the specified circumstances, the power to resign from membership of the organisation.

**Part 11 – Records and accounts**

**Division 3 – Financial policies, training and registers**

Entity power given to	Section of INRA	Description
Member of Organisation	744(1)	Power to inspect a policy kept under section 740 or a register kept under sections 742 or 743.
Member of Organisation	744(2)	Power to ask the organisation in writing to make the policy or register available for inspection, free of charge, during the organisation's business hours.

**Part 13 – Validations**

**Division 3 – Orders about invalidity or its effects**

Entity power given to	Section of INRA	Description
Member of Organisation	835	Power to apply to the commission to decide whether an invalidity has occurred in the specified matters.

**Part 15 – Complaints, investigations and appointment of administrator**  
**Division 1 – Complaints**

Entity power given to	Section of INRA	Description
Person	859(1)	In the specified circumstances, the power to make a complaint to the registrar about an organisation.
Person	859(2)	Power to make a complaint to the registrar about an officer of an organisation if the person believes the officer has engaged in misconduct in relation to the organisation.

**Part 16 – Deregistration**  
**Division 2 – General deregistration provisions**  
**Subdivision 1 – Bringing deregistration proceedings**

Entity power given to	Section of INRA	Description
Member of Organisation	878(f)	Power to agree to deregistration of an organisation.
Specified Person	879(1)	Power to apply to the full bench for a deregistration order on a ground mentioned in section 878.
Person	879(1)(d)	Power to seek leave from the full bench to apply for a deregistration order.

**Part 17 – Miscellaneous**

Entity power given to	Section of INRA	Description
A person who applied for decision under Chapter 12	894(1)(a)	Power to be heard by Industrial Tribunal.
A person in relation to whom the decision is sought or may be made	894(1)(b)	Power to be heard by Industrial Tribunal.
A person who may object to the making of a decision	894(1)(c)	Power to be heard by Industrial Tribunal.

**CHAPTER 14 – GENERAL OFFENCES**

Entity power given to	Section of INRA	Description
Employer	935(2)	Power to give the person the certificate of employment upon receiving the request.

## CHAPTER 17 – GENERAL PROVISIONS

### Part 2 – Other provisions

Entity power given to	Section of INRA	Description
Person	981(2)	Power to file an objection notice with the commission within the stated time and in the stated way.

## CHAPTER 18 – REPEAL AND TRANSITIONAL PROVISIONS

### Part 2 – Transitional provisions for repeal of Industrial Relations Act 1999

#### Division 2 – Existing industrial instruments

##### *Subdivision 3 – Other instruments and orders*

Entity power given to	Section of INRA	Description
Party to the Agreement	1003(2)	Power to apply to the commission to apply section 250 in relation to the application to certify the agreement.

## SCHEDULE 2 – COSTS PROVISIONS FOR PROCEEDINGS UNDER ANTI-DISCRIMINATION ACT 1991

Entity power given to	Section of INRA	Description
Applicant party	11(2)	Power to apply to the commission for an order: (a) requiring another party to give security for the applicant party's costs within the period stated in the order; and (b) staying the proceeding, or the part of the proceeding against the applicant party, until the security is given.

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

1. The delegate is not permitted to sub-delegate.
2. Where the delegated power is a statutory power, the delegation is subject to the same conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government.
3. 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). The delegated power shall be subject to prior Council consultation where the exercise of any delegated power may in all reasonable likelihood:
  - (a) impact on land and/or sea; and/or
  - (b) involve payment of compensation regarding land; and/or
  - (c) require a budget amendment.
4. 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.
5. Unless a higher financial delegation is explicitly provided for in the delegation, any decision of the delegate must be made within the financial delegation of the delegate.
6. Unless explicitly provided for in the delegation, 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.
7. 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.
8. 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.
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.
13. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein. 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.

[2022 11 03 - INRA - Sub-Delegation Instrument]

# **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

Entity power given to	Section of PUHA	Description
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

Entity power given to	Section of PUHA	Description
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

Entity power given to	Section of PUHA	Description
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. 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). The delegated power shall be subject to prior Council consultation where the exercise of any delegated power may in all reasonable likelihood:
  - (a) impact on land and/or sea; and/or
  - (b) involve payment of compensation regarding land; and/or
  - (c) require a budget amendment.
2. 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.
3. Unless a higher financial delegation is explicitly provided for in the delegation, any decision of the delegate must be made within the financial delegation of the delegate.
4. Unless explicitly provided for in the delegation, 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.
5. 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.
6. 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.
7. 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).
8. 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.
9. 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.

10. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.
11. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein. 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.

[2019 04 11 - PUHA - Delegation Instrument]

## 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, **James William**, 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 \_\_\_\_\_, 2023.

**James William**  
Chief Executive Officer  
**Torres Strait Island Regional Council**

**Position:** Head of Community Services

## 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

Entity power given to	Section of PUHA	Description
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

Entity power given to	Section of PUHA	Description
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

Entity power given to	Section of PUHA	Description
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 the delegated power is a statutory power, the delegation is subject to the same conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government.
2. 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). The delegated power shall be subject to prior Council consultation where the exercise of any delegated power may in all reasonable likelihood:
  - (a) impact on land and/or sea; and/or
  - (b) involve payment of compensation regarding land; and/or
  - (c) require a budget amendment.
3. 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.
4. Unless a higher financial delegation is explicitly provided for in the delegation, any decision of the delegate must be made within the financial delegation of the delegate.
5. Unless explicitly provided for in the delegation, 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.
6. 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.
7. 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.
8. 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).
9. 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.
10. 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.

11. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.
12. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein. 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.

[2019 04 11 - PUHA - Sub-Delegation Instrument]

**Torres Strait Island Regional Council**  
*Public Health Act 2005 ("PUHA")*

**James William**  
Chief Executive Officer  
**Torres Strait Island Regional Council**

## Schedule 1

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

## POWERS CONFERRED

### *Public Health Act 2005 ("PUHA")*

#### CHAPTER 2 – ENVIRONMENTAL HEALTH

##### Part 3 – Public health orders

##### Division 1 – Preliminary

Section of PUHA	Description
22(1)	Power to form a reasonable belief there is a public health risk at a place involving an animal that is, or is likely to be, a carrier of: (a) prohibited matter or restricted matter under the <i>Biosecurity Act 2014</i> ; or (b) controlled biosecurity matter or regulated biosecurity matter under the <i>Biosecurity Act 2014</i> .

##### Division 2 – Giving public health orders

Section of PUHA	Description
23	An authorised person may give a public health order to a person (the <b>recipient</b> ) if it is believed that that person is responsible for a public health risk at a place.

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

Section of PUHA	Description
30(1)(ii)	An authorised person may enter a place in accordance with an enforcement order.
30(3)	An authorised person need not comply with (2) if they believe on reasonable grounds that immediate entry to the place is required to ensure effective execution of the order.

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

Section of PUHA	Description
39(2)	A prevention and control program must be undertaken by authorised persons.
40(1)	For undertaking a prevention and control program, an authorised person may only exercise the powers under this part and not those under Chapter 9.
40(2)	The previous subsection does not apply to the investigation by the authorised person of the contravention of a provision of this part.
41(1)	For undertaking a prevention and control program an authorised person may enter a place to which the program relates to search for: (a) the designated pests to which the program relates; (b) an animal, structure, substance or other thing that: (i) is, or is likely to become, a breeding ground or source of food for designated pests; or (ii) harbours, or is likely to become something that harbours, designated pests.
43	In the specified circumstances, power to: (a) take reasonable steps to eradicate or prevent the occurrence or recurrence of the designated pests, including by the use of pesticides;

	<p>(b) take a thing, or a sample of or from a thing, at the place for analysis or testing;</p> <p>(c) take into or onto the place any persons, equipment and materials the authorised person reasonably requires for exercising a power under this section;</p> <p>(d) require a person at the place to give the authorised person reasonable help to exercise the authorised person's powers under paragraphs (a) to (c).</p>
43(4)	<p>Power to give a person a public health order if:</p> <p>(a) the authorised person is appointed for part 3; and</p> <p>(b) the order is for the prevention or control of the designated pests to which the prevention and control program relates.</p>

## CHAPTER 3 – NOTIFIABLE CONDITIONS

### Part 5 – Orders by Magistrate about controlled notifiable conditions

#### Division 2 – Initial examination orders

Section of PUHA	Description
119(4)	<p>In certain circumstances, power to, within a stated period:</p> <p>(a) enter or re-enter any place the authorised person reasonably believes the person is; and</p> <p>(b) search the place to find the person; and</p> <p>(c) remain in the place for as long as the authorised person considers is reasonably necessary to find the person; and</p> <p>(d) take the person to the place where the person is to be detained under the order.</p>
119(5)	<p>Power to exercise powers under the order with the help and using the force, that is reasonable in the circumstances.</p>

#### Division 3 – Behavioural orders

Section of PUHA	Description
127	<p>In the specified circumstances, power to:</p> <p>(a) give a copy of the order to the person;</p> <p>(b) explain the terms and effect of the order to the person including that is an offence not to comply with the order; and</p> <p>(c) give the person notice about the right of appeal against the order and how to appeal.</p>

#### Division 4 – Detention orders

Section of PUHA	Description
130(3)	<p>In the specified circumstances, power to, within a stated period:</p> <p>(a) to enter or re-enter any place the authorised person reasonably believes the person is; and</p> <p>(b) to search the place to find the person; and</p> <p>(c) to remain in the place for as long as the authorised person considers is reasonably necessary to find the person; and</p> <p>(d) to take the person to the place where the person is to be detained under the order.</p>
131	<p>In the specified circumstances, power to:</p> <p>(a) give the person the subject of the order a copy of the order; and</p>

	<p>(b) explain the terms and effect of the order to the person including the effect of section 132; and</p> <p>(c) if the person is not at the place where the person is to be detained, give the person an opportunity to voluntarily accompany the authorised person to the place; and</p> <p>(d) give the person notice about the right of appeal against the order and how to appeal.</p>
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## **Part 5A –**

## **Public health directions for COVID 19**

### **Division 3 – Enforcement of public health directions**

<b>Section of PUHA</b>	<b>Description</b>
142N(1)	Power to enter places if an authorised person reasonably suspects a person is, or may be, contravening a public health direction at a place.
142N(2)	Power to enter a place without a warrant or consent, to: <p>(a) check whether the public health direction is being contravened; or</p> <p>(b) enforce compliance with the public health direction.</p>
142O	Power to form a reasonable belief that a thing is evidence of an offence against section 142K.
142O	Power to seize a thing at the place if the authorised person reasonably believes that thing is evidence of an offence against this Act.
142Q(2)	Power to enforce the public health direction with the help, and using the force, that is reasonable in the circumstances.

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

## **Part 2 –**

## **Powers of authorised persons**

### **Division 1 – Entry of places**

<b>Section of PUHA</b>	<b>Description</b>
385(1)	Power to enter a place if: <p>(a) an occupier of the place consents to the entry; or</p> <p>(b) it is a public place and the entry is made when it is open to the public; or</p> <p>(c) the entry is authorised by a warrant; or</p> <p>(d) entry is under section 386, 387, 388, 389 or 390.</p>
385(2)	In the specified circumstances, power to, without the occupier's consent, an enforcement order or a warrant: <p>(a) enter land around premises at the place to an extent that is reasonable to contact the occupier; or</p> <p>(b) enter part of the place the authorised person reasonably considers members of the public ordinarily are allowed to enter when they wish to contact the occupier.</p>
386(1) and (2)	Power to form a reasonable belief there may be a public health risk at a place, and to enter a place at reasonable times to find out whether there is a public health risk at the place.
387(2)	In the specified circumstances, power to at reasonable times, enter the place to check whether the order has been complied with.
389(2)	In the specified circumstances, power to, at reasonable times, enter the place for the inspection program.
390(2)	In the specified circumstance, power to enter the health care facility if the facility is open for carrying on business or otherwise open for entry.

390(4)	Power to form the reasonable belief that immediate entry is necessary to prevent or minimise an imminent risk of infection to a person at the health care facility.
390A(1)	Power to form a reasonable belief that a cosmetic procedure is being, or has been, performed on a child at a place.
390A(2)	Power to enter the place to monitor a person's compliance with chapter 5A if the place is open for carrying on business or otherwise open for entry.

### Division 2 – Procedure for entry

Section of PUHA	Description
391(3)	In the specified circumstances, power to ask the occupier to sign an acknowledgment of the consent.
392(4)	In the specified circumstances, power to enter the place.
392(5)	In the specified circumstances, power to leave a notice in a conspicuous position and in a reasonably secure way stating the date, time and purpose of the entry.
393(6)	In the specified circumstances, power to enter the place.
393(7)	In the specified circumstances, power to leave a notice in a conspicuous position and in a reasonably secure way stating the date, time and purpose of the entry.
394(1)	Power to apply to a magistrate for a warrant for a place.
396(1)	Power to make an application under section 394 by phone, fax, email, radio, radio conferencing or another form of electronic communication if the authorised person reasonably considers it necessary because of: <ul style="list-style-type: none"> <li>(a) urgent circumstances; or</li> <li>(b) other special circumstances, including, for example the authorised person's remote location.</li> </ul>
398(3)	Power to not comply with section 398(2) if the authorised person believes on reasonable grounds that immediate entry to the place is required to ensure the effective execution of the warrant is not frustrated.

### Division 3 – General powers

Section of PUHA	Description
399(3)	In the specified circumstances, power: <ul style="list-style-type: none"> <li>(a) search any part of the place; or</li> <li>(b) inspect, measure, test, photograph or film any part of the place or anything at the place; or</li> <li>(c) take a thing, or a sample of or from a thing, at the place for analysis or testing;</li> <li>(d) copy a document at the place or take the document to another place to copy it;</li> <li>(e) take into or onto the place any persons, equipment and materials the authorised person reasonably requires for exercising a power under this chapter;</li> <li>(f) require a person at the place to give the authorised person reasonable help to exercise the authorised person's powers under paragraphs (a) - (e); or</li> <li>(g) require a person at the place to answer questions by the authorised person to help the authorised person ascertain whether this Act is being or has been complied with or there is a public health risk at the place.</li> </ul>

#### Division 4 – Vehicles

Section of PUHA	Description
402(1)	Power to reasonably suspect that: (a) a thing in or on a motor vehicle may provide evidence of the commission of an offence against this Act; or (b) there is a public health risk in or on the motor vehicle.
402(2)	In the specified circumstances, power to ask: (a) if the motor vehicle is moving – ask or signal the person in control of the motor vehicle to stop the motor vehicle; and (b) whether or not the motor vehicle is moving –ask or signal the person in control of the motor vehicle to bring the motor vehicle to a convenient place within a reasonable distance to allow the authorised person to exercise the authorised person's powers under this part.
402(7)	In the specified circumstances, power to direct the person: (a) not to move the motor vehicle until the authorised person has exercised the authorised person's powers under this part; or (b) to move the motor vehicle to, and keep it at, a reasonable place to allow the authorised person to exercise the authorised person's powers under this part.
402(8)	In the specified circumstances, power to warn the person it is an offence not to comply with the direction, unless the person has a reasonable excuse.

#### Division 5 – Power to seize evidence

Section of PUHA	Description
403	In the specified circumstances, power to seize a thing at the place if the authorised person reasonably believes that thing is evidence of an offence against this Act.
404(3)	In the specified circumstances, power to seize a thing at the place if: (a) the authorised person reasonably believes the thing is evidence of an offence against this Act; or (b) seizure of the thing is consistent with the purpose of entry as told to the occupier when asking for the occupiers consent.
404(4)	In the specified circumstances, power to seize the evidence for which the warrant was issued.
404(5)	Power to seize anything else at the place if the authorised person reasonably believes: (a) that thing is evidence of an offence against this Act; (b) seizure is necessary to prevent the thing being: (i) hidden, lost or destroyed; or (ii) used to continue, or repeat, the offence.
404(6)	Power to seize a thing at the place if the authorised person reasonably believes it had just been used in committing an offence against this Act.

#### Division 6 – Power to remove or reduce public health risk under a warrant

Section of PUHA	Description
405(2)	Power to take the steps necessary in the circumstances to remove or reduce the risk to public health from the public health risk stated in the warrant, or to prevent the risk to public health from recurring, including seizing a thing.

### Division 8 – Dealing with seized things

Section of PUHA	Description
408(2)	In the specified circumstances, power to: (a) move the thing from the place where it was seized (the <b>place of seizure</b> ); or (b) leave the thing at the place of seizure, but take reasonable action to restrict access to it.
409(1)	In the specified circumstances, power to approve a person to tamper with a seized thing, or something restricting access to the thing.
410(1)	In the specified circumstances, power to require the person in control of a thing: (a) to take it to a stated reasonable place by a stated reasonable time; and (b) if necessary, to remain in control of it at the stated place for a reasonable time.
410(2)	In the specified circumstances, power to: (a) Give notice of the requirement; or (b) if for any reason it is not practicable to give the notice, give the notice orally and confirm by notice as soon as practicable.
410(3)	Power to make a further requirement about the same thing if it is necessary and reasonable to make the further requirement.
411(1)	In the specified circumstances, power to require the person to return the thing to the place from which it was taken.
412(2)	In the specified circumstances, power to leave the receipt at the place of seizure in a conspicuous position and in a reasonably secure way.
413(1)(c)	In the specified circumstances, power to: (a) considers that, because of the thing's inherent nature or condition, the return of the thing is likely to result in a recurrence of the public health risk in relation to which the thing was seized; or (b) form a reasonable opinion that the return of the thing is likely to result in an occurrence of the public health risk in relation to which the thing was seized.
414(a)(iii)	If a thing under section 404 has been seized but not forfeited, power to immediately return it to its owner if the authorised person stops being satisfied its continued retention as evidence is necessary.
414(b)(ii)	Power to return a thing seized under section 405 to its owner if the authorised person is satisfied the return of the thing is unlikely to result in the recurrence of the public health risk in relation to which it was seized.

### Division 9 – Power to obtain information

Section of PUHA	Description
416(1)(b)	In the specified circumstances, power to reasonably suspect the person: (a) has just committed an offence against this Act; or (b) is responsible for a public health risk.
416(2)	In the specified circumstances, power to require the person to state the person's name and residential address.
416(4)	In the specified circumstances, power to require the person to give the authorised person evidence of the correctness of the stated name or residential address if the authorised person reasonably suspects the stated name or address to be false.
418(1)	Power to require a person to make available for inspection by the authorised person, or produce to the authorised person for inspection, at a reasonable time and place nominated by the authorised person:

	(a) a document issued to the person under this Act; or (b) a document required to be kept by the person under this Act.
418(2)	Power to keep the document to copy it.
418(3)	In the specified circumstances, power to require the person responsible for keeping the document to certify the copy as a true copy of the document or entry.
418(5)	In the specified circumstances, power to keep the document until the person complies with the requirement (a <b><i>document certification requirement</i></b> ).

**Part 3 – General enforcement matters**

Section of PUHA	Description
421(2)	In the specified circumstances, power to immediately give notice of particulars of the damage to the person who appears to the authorised person to be the owner of the property.
421(3)	Power to believes the damage was caused by a latent defect in the property or circumstances beyond the authorised person's or other person's control, and to state the belief in the notice.
421(5)	Power to form a reasonable belief that damage is trivial.

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

1. 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.
2. **Either:** This appointment expires on **Insert date**.
3. **Or:** This appointment expires if the person named in Schedule 1 ceases to hold the position specified in Schedule 1.

[2022 11 01 - PUHA - Authorised Person Instrument]

# AUTHORISED PERSON POWERS UNDER THE PUBLIC HEALTH ACT 2005 ("PUHA")

## CHAPTER 2 – ENVIRONMENTAL HEALTH

### Part 3 – Public health orders

#### Division 1 – Preliminary

Section of PUHA	Description	Individuals to be appointed	Date of appointment	Limitations and Conditions
22(1)	Power to form a reasonable belief there is a public health risk at a place involving an animal that is, or is likely to be, a carrier of:  (a) prohibited matter or restricted matter under the <i>Biosecurity Act 2014</i> ; or  (b) controlled biosecurity matter or regulated biosecurity matter under the <i>Biosecurity Act 2014</i> .			

#### Division 2 – Giving public health orders

Section of PUHA	Description	Individuals to be appointed	Date of appointment	Limitations and Conditions
23	An authorised person may give a public health order to a person (the <b>recipient</b> ) if it is believed that that person is responsible for a public health risk at a place.			

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

<b>Section of PUHA</b>	<b>Description</b>	<b>Individuals to be appointed</b>	<b>Date of appointment</b>	<b>Limitations and Conditions</b>
30(1)(ii)	An authorised person may enter a place in accordance with an enforcement order.			
30(3)	An authorised person need not comply with (2) if they believe on reasonable grounds that immediate entry to the place is required to ensure effective execution of the order.			

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

<b>Section of PUHA</b>	<b>Description</b>	<b>Individuals to be appointed</b>	<b>Date of appointment</b>	<b>Limitations and Conditions</b>
39(2)	A prevention and control program must be undertaken by authorised persons.			
40(1)	For undertaking a prevention and control program, an authorised person may only exercise the powers under this part and not those under Chapter 9.			
40(2)	The previous subsection does not apply to the investigation by the authorised person of the contravention of a provision of this part.			
41(1)	For undertaking a prevention and control program an authorised person may enter a place to which the program relates to search for: <ul style="list-style-type: none"> <li>(a) the designated pests to which the program relates;</li> <li>(b) an animal, structure, substance or other thing that: <ul style="list-style-type: none"> <li>(i) is, or is likely to become, a breeding ground or source of food for designated pests; or</li> </ul> </li> </ul>			

	(ii) harbours, or is likely to become something that harbours, designated pests.			
43	<p>In the specified circumstances, power to:</p> <p>(a) take reasonable steps to eradicate or prevent the occurrence or recurrence of the designated pests, including by the use of pesticides;</p> <p>(b) take a thing, or a sample of or from a thing, at the place for analysis or testing;</p> <p>(c) take into or onto the place any persons, equipment and materials the authorised person reasonably requires for exercising a power under this section;</p> <p>(d) require a person at the place to give the authorised person reasonable help to exercise the authorised person's powers under paragraphs (a) to (c).</p>			
43(4)	<p>Power to give a person a public health order if:</p> <p>(a) the authorised person is appointed for part 3; and</p> <p>(b) the order is for the prevention or control of the designated pests to which the prevention and control program relates.</p>			

## CHAPTER 3 – NOTIFIABLE CONDITIONS

### Part 5 – Orders by Magistrate about controlled notifiable conditions

#### Division 2 – Initial examination orders

Section of PUHA	Description	Individuals to be appointed	Date of appointment	Limitations and Conditions
119(4)	In certain circumstances, power to, within a stated period: (a) enter or re-enter any place the authorised person reasonably believes the person is; and (b) search the place to find the person; and (c) remain in the place for as long as the authorised person considers is reasonably necessary to find the person; and (d) take the person to the place where the person is to be detained under the order.			
119(5)	Power to exercise powers under the order with the help and using the force, that is reasonable in the circumstances.			

#### Division 3 – Behavioural orders

Section of PUHA	Description	Individuals to be appointed	Date of appointment	Limitations and Conditions
127	In the specified circumstances, power to: (a) give a copy of the order to the person; (b) explain the terms and effect of the order to the person including that is an offence not to comply with the order; and (c) give the person notice about the right of appeal against the order and how to appeal.			

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**Division 4 – Detention orders**

<b>Section of PUHA</b>	<b>Description</b>	<b>Individuals to be appointed</b>	<b>Date of appointment</b>	<b>Limitations and Conditions</b>
130(3)	In the specified circumstances, power to, within a stated period: (a) to enter or re-enter any place the authorised person reasonably believes the person is; and (b) to search the place to find the person; and (c) to remain in the place for as long as the authorised person considers is reasonably necessary to find the person; and (d) to take the person to the place where the person is to be detained under the order.			
131	In the specified circumstances, power to: (a) give the person the subject of the order a copy of the order; and (b) explain the terms and effect of the order to the person including the effect of section 132; and (c) if the person is not at the place where the person is to be detained, give the person an opportunity to voluntarily accompany the authorised person to the place; and (d) give the person notice about the right of appeal against the order and how to appeal.			

**Part 5A – Public health directions for COVID 19**

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

<b>Section of PUHA</b>	<b>Description</b>	<b>Individuals to be appointed</b>	<b>Date of appointment</b>	<b>Limitations and Conditions</b>
142N(1)	Power to enter places if an authorised person reasonably suspects a person is, or may be, contravening a public health direction at a place.			
142N(2)	Power to enter a place without a warrant or consent, to: (a) check whether the public health direction is being contravened; or (b) enforce compliance with the public health direction.			
142O	Power to form a reasonable belief that a thing is evidence of an offence against section 142K.			
142O	Power to seize a thing at the place if the authorised person reasonably believes that thing is evidence of an offence against this Act.			
142Q(2)	Power to enforce the public health direction with the help, and using the force, that is reasonable in the circumstances.			

**CHAPTER 9 – MONITORING AND ENFORCEMENT**

**Part 2 – Powers of authorised persons**

**Division 1 – Entry of places**

<b>Section of PUHA</b>	<b>Description</b>	<b>Individuals to be appointed</b>	<b>Date of appointment</b>	<b>Limitations and Conditions</b>
385(1)	Power to enter a place if:			

	<p>(a) an occupier of the place consents to the entry; or</p> <p>(b) it is a public place and the entry is made when it is open to the public; or</p> <p>(c) the entry is authorised by a warrant; or</p> <p>(d) entry is under section 386, 387, 388, 389 or 390.</p>			
385(2)	<p>In the specified circumstances, power to, without the occupier's consent, an enforcement order or a warrant:</p> <p>(a) enter land around premises at the place to an extent that is reasonable to contact the occupier; or</p> <p>(b) enter part of the place the authorised person reasonably considers members of the public ordinarily are allowed to enter when they wish to contact the occupier.</p>			
386(1) and (2)	Power to form a reasonable belief there may be a public health risk at a place, and to enter a place at reasonable times to find out whether there is a public health risk at the place.			
387(2)	In the specified circumstances, power to at reasonable times, enter the place to check whether the order has been complied with.			
389(2)	In the specified circumstances, power to, at reasonable times, enter the place for the inspection program.			
390(2)	In the specified circumstance, power to enter the health care facility if the facility is open for carrying on business or otherwise open for entry.			
390(4)	Power to form the reasonable belief that immediate entry is necessary to prevent or minimise an			

	imminent risk of infection to a person at the health care facility.			
390A(1)	Power to form a reasonable belief that a cosmetic procedure is being, or has been, performed on a child at a place.			
390A(2)	Power to enter the place to monitor a person's compliance with chapter 5A if the place is open for carrying on business or otherwise open for entry.			

### Division 2 – Procedure for entry

Section of PUHA	Description	Individuals to be appointed	Date of appointment	Limitations and Conditions
391(3)	In the specified circumstances, power to ask the occupier to sign an acknowledgment of the consent.			
392(4)	In the specified circumstances, power to enter the place.			
392(5)	In the specified circumstances, power to leave a notice in a conspicuous position and in a reasonably secure way stating the date, time and purpose of the entry.			
393(6)	In the specified circumstances, power to enter the place.			
393(7)	In the specified circumstances, power to leave a notice in a conspicuous position and in a reasonably secure way stating the date, time and purpose of the entry.			
394(1)	Power to apply to a magistrate for a warrant for a place.			
396(1)	Power to make an application under section 394 by phone, fax, email, radio, radio conferencing or another form of electronic communication if the			

	<p>authorised person reasonably considers it necessary because of:</p> <p>(a) urgent circumstances; or</p> <p>(b) other special circumstances, including, for example the authorised person's remote location.</p>			
398(3)	Power to not comply with section 398(2) if the authorised person believes on reasonable grounds that immediate entry to the place is required to ensure the effective execution of the warrant is not frustrated.			

### Division 3 – General powers

Section of PUHA	Description	Individuals to be appointed	Date of appointment	Limitations and Conditions
399(3)	<p>In the specified circumstances, power:</p> <p>(a) search any part of the place; or</p> <p>(b) inspect, measure, test, photograph or film any part of the place or anything at the place; or</p> <p>(c) take a thing, or a sample of or from a thing, at the place for analysis or testing;</p> <p>(d) copy a document at the place or take the document to another place to copy it;</p> <p>(e) take into or onto the place any persons, equipment and materials the authorised person reasonably requires for exercising a power under this chapter;</p> <p>(f) require a person at the place to give the authorised person reasonable help to exercise the authorised person's powers under paragraphs (a) - (e); or</p> <p>(g) require a person at the place to answer questions by the authorised person to help the</p>			

	authorised person ascertain whether this Act is being or has been complied with or there is a public health risk at the place.			
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#### Division 4 – Vehicles

Section of PUHA	Description	Individuals to be appointed	Date of appointment	Limitations and Conditions
402(1)	Power to reasonably suspect that: (a) a thing in or on a motor vehicle may provide evidence of the commission of an offence against this Act; or (b) there is a public health risk in or on the motor vehicle.			
402(2)	In the specified circumstances, power to ask: (a) if the motor vehicle is moving – ask or signal the person in control of the motor vehicle to stop the motor vehicle; and (b) whether or not the motor vehicle is moving – ask or signal the person in control of the motor vehicle to bring the motor vehicle to a convenient place within a reasonable distance to allow the authorised person to exercise the authorised person's powers under this part.			
402(7)	In the specified circumstances, power to direct the person: (a) not to move the motor vehicle until the authorised person has exercised the authorised person's powers under this part; or (b) to move the motor vehicle to, and keep it at, a reasonable place to allow the authorised person to exercise the authorised person's powers under this part.			

402(8)	In the specified circumstances, power to warn the person it is an offence not to comply with the direction, unless the person has a reasonable excuse.			
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#### Division 5 – Power to seize evidence

Section of PUHA	Description	Individuals to be appointed	Date of appointment	Limitations and Conditions
403	In the specified circumstances, power to seize a thing at the place if the authorised person reasonably believes that thing is evidence of an offence against this Act.			
404(3)	In the specified circumstances, power to seize a thing at the place if: (a) the authorised person reasonably believes the thing is evidence of an offence against this Act; or (b) seizure of the thing is consistent with the purpose of entry as told to the occupier when asking for the occupiers consent.			
404(4)	In the specified circumstances, power to seize the evidence for which the warrant was issued.			
404(5)	Power to seize anything else at the place if the authorised person reasonably believes: (a) that thing is evidence of an offence against this Act; (b) seizure is necessary to prevent the thing being: (i) hidden, lost or destroyed; or (ii) used to continue, or repeat, the offence.			

404(6)	Power to seize a thing at the place if the authorised person reasonably believes it had just been used in committing an offence against this Act.			
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**Division 6 – Power to remove or reduce public health risk under a warrant**

Section of PUHA	Description	Individuals to be appointed	Date of appointment	Limitations and Conditions
405(2)	Power to take the steps necessary in the circumstances to remove or reduce the risk to public health from the public health risk stated in the warrant, or to prevent the risk to public health from recurring, including seizing a thing.			

**Division 8 – Dealing with seized things**

Section of PUHA	Description	Individuals to be appointed	Date of appointment	Limitations and Conditions
408(2)	In the specified circumstances, power to: (a) move the thing from the place where it was seized (the <b>place of seizure</b> ); or (b) leave the thing at the place of seizure, but take reasonable action to restrict access to it.			
409(1)	In the specified circumstances, power to approve a person to tamper with a seized thing, or something restricting access to the thing.			
410(1)	In the specified circumstances, power to require the person in control of a thing: (a) to take it to a stated reasonable place by a stated reasonable time; and (b) if necessary, to remain in control of it at the stated place for a reasonable time.			

410(2)	In the specified circumstances, power to: (a) Give notice of the requirement; or (b) if for any reason it is not practicable to give the notice, give the notice orally and confirm by notice as soon as practicable.			
410(3)	Power to make a further requirement about the same thing if it is necessary and reasonable to make the further requirement.			
411(1)	In the specified circumstances, power to require the person to return the thing to the place from which it was taken.			
412(2)	In the specified circumstances, power to leave the receipt at the place of seizure in a conspicuous position and in a reasonably secure way.			
413(1)(c)	In the specified circumstances, power to: (a) considers that, because of the thing's inherent nature or condition, the return of the thing is likely to result in a recurrence of the public health risk in relation to which the thing was seized; or (b) form a reasonable opinion that the return of the thing is likely to result in an occurrence of the public health risk in relation to which the thing was seized.			
414(a)(iii)	If a thing under section 404 has been seized but not forfeited, power to immediately return it to its owner if the authorised person stops being satisfied its continued retention as evidence is necessary.			
414(b)(ii)	Power to return a thing seized under section 405 to its owner if the authorised person is satisfied the return of the thing is unlikely to result in the recurrence of the public health risk in relation to which it was seized.			

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**Division 9 – Power to obtain information**

<b>Section of PUHA</b>	<b>Description</b>	<b>Individuals to be appointed</b>	<b>Date of appointment</b>	<b>Limitations and Conditions</b>
416(1)(b)	In the specified circumstances, power to reasonably suspect the person: (a) has just committed an offence against this Act; or (b) is responsible for a public health risk.			
416(2)	In the specified circumstances, power to require the person to state the person's name and residential address.			
416(4)	In the specified circumstances, power to require the person to give the authorised person evidence of the correctness of the stated name or residential address if the authorised person reasonably suspects the stated name or address to be false.			
418(1)	Power to require a person to make available for inspection by the authorised person, or produce to the authorised person for inspection, at a reasonable time and place nominated by the authorised person: (a) a document issued to the person under this Act; or (b) a document required to be kept by the person under this Act.			
418(2)	Power to keep the document to copy it.			
418(3)	In the specified circumstances, power to require the person responsible for keeping the document to certify the copy as a true copy of the document or entry.			
418(5)	In the specified circumstances, power to keep the document until the person complies with the			

	requirement (a <b><i>document certification requirement</i></b> ).			
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**Part 3 – General enforcement matters**

Section of PUHA	Description	Individuals to be appointed	Date of appointment	Limitations and Conditions
421(2)	In the specified circumstances, power to immediately give notice of particulars of the damage to the person who appears to the authorised person to be the owner of the property.			
421(3)	Power to believes the damage was caused by a latent defect in the property or circumstances beyond the authorised person's or other person's control, and to state the belief in the notice.			
421(5)	Power to form a reasonable belief that damage is trivial.			

[2022 11 01 - PUHA - Authorised Person Table]

# **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, other than a greywater (cooling tower) treatment plant.
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)(f)(i)	In the specified circumstances, the power to provide written consent for an application relating to SEQ water work.
Local Government	53(2)(g)(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

Entity power given to	Section of PLDR	Description
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

Entity power given to	Section of PLDR	Description
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**

#### **Division 2 – Other documents**

<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. 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). The delegated power shall be subject to prior Council consultation where the exercise of any delegated power may in all reasonable likelihood:
  - (a) impact on land and/or sea; and/or
  - (b) involve payment of compensation regarding land; and/or
  - (c) require a budget amendment.
2. 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.
3. Unless a higher financial delegation is explicitly provided for in the delegation, any decision of the delegate must be made within the financial delegation of the delegate.
4. Unless explicitly provided for in the delegation, 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.
5. 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.
6. 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.
7. 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).
8. 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.
9. 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.

10. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.
11. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein. 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.

[2022 12 02 - PLDR - Delegation Instrument]

## 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, <a href="#">other than a greywater (cooling tower) treatment plant</a> .				
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***

<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	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: <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**

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	53(2)(fe)(i)	In the specified circumstances, the power to provide written consent for an application relating to SEQ water work.				

Local Government	53(2)(gf)(i)	In the specified circumstances, the power to provide written consent for work relating to SEQ sewerage work.				
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#### Division 4 – Effects and duration of permits

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	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	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
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.				
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***Subdivision 3 – Inspecting work under permit issued by public sector entity***

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	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	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
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	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
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.				
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***Subdivision 3 – Testing or commissioning plumbing or drainage***

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	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***

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	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 about the decision by the local government to give an action notice.				Note: there is currently no provision in the 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: <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> </ol>				Note: the further requirements in the <i>Local Government Act</i> regarding the commencement of any

		3. To recover as a debt from each owner, the owner's share of the cost.				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 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

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	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

#### Division 2 – Other documents

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	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**

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	In the specified circumstances, the power to determine whether a person				

	definition of "Suitably qualified trade person" (a)	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.				

[2022 ~~12 0207-01~~ - PLDR - Delegation Table]

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

**James William**  
Chief Executive Officer  
**Torres Strait Island Regional Council**

**Position:** Executive Director Engineering Services

## 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, other than a greywater (cooling tower) treatment plant.
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.

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## **Division 5 – Special provisions**

<b>Entity power given to</b>	<b>Section of PLDR</b>	<b>Description</b>
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***

<b>Entity power given to</b>	<b>Section of PLDR</b>	<b>Description</b>
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***

<b>Entity power given to</b>	<b>Section of PLDR</b>	<b>Description</b>
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: 1. Refuse the application; or

		2. approve the application with: (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)(f)(i)	In the specified circumstances, the power to provide written consent for an application relating to SEQ water work.
Local Government	53(2)(g)(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

Entity power given to	Section of PLDR	Description
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

Entity power given to	Section of PLDR	Description
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**

#### **Division 2 – Other documents**

<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. The delegate is not permitted to sub-delegate.
2. Where the delegated power is a statutory power, the delegation is subject to the same conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government.
3. 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). The delegated power shall be subject to prior Council consultation where the exercise of any delegated power may in all reasonable likelihood:
  - (a) impact on land and/or sea; and/or
  - (b) involve payment of compensation regarding land; and/or
  - (c) require a budget amendment.
4. 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.
5. Unless a higher financial delegation is explicitly provided for in the delegation, any decision of the delegate must be made within the financial delegation of the delegate.
6. Unless explicitly provided for in the delegation, 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.
7. 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.
8. 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.
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.
13. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein. 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.

[2022 12 02 - PLDR - Sub-Delegation Instrument]

## **INSTRUMENT OF DELEGATION**

### **Torres Strait Island Regional Council** ***Land Act 1994 ("LANA")***

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.

## Schedule 1

### **Land Act 1994 ("LANA")**

#### **CHAPTER 1 – PRELIMINARY**

##### **Part 4 – Tidal and non-tidal boundaries and associated matters**

Entity power given to	Section of LANA	Description
Registered Owner	12(3)	Power to suitably indicate where the boundaries of land are across a surface of water.
Registered Owner	12(4)	Power to regulate or prohibit the use or movement of ships in or over water above inundated land.
Owner who may take water under the <i>Water Act 2000</i> , section 96	13A(4)	Power to, in certain circumstances: (a) exercise a right of access for the owner, the owner's family, executive officers, employees, agents and stock over the adjacent area of the watercourse or lake that is the property of the State that adjoins the owner's land; and (b) exercise a right of grazing for the person's stock over the adjacent area; and (c) bring an action against a person who trespasses on the adjacent area.
Adjacent Owner	13AC(1)(a)	In certain circumstances, power to consent to the dedication of a reserve.
Applicant	13B(1)	In certain circumstances, power to apply to the Chief Executive to have watercourse land adjoining the relevant land's non-tidal boundary declared to be former watercourse land.
Applicant	13B(2)	Power to give notice of a person's intention to make the application.
Applicant	13B(6)	Power to appeal against the refusal of the application.

#### **CHAPTER 2 – LAND ALLOCATION**

##### **Part 1 – Allocation powers**

Entity power given to	Section of LANA	Description
Registered Owner	18(1)	Power to reach agreement with the Governor in Council to grant unallocated State land in exchange for all or part of freehold land.
Lessee of a freeholding lease	18(2)	Power to reach agreement with the Governor in Council to grant a freeholding lease in exchange for all or part of a freeholding lease.
Lessee of a term lease	18(3)	Power to enter into agreement with the Minister to lease unallocated State land.

**Part 2 – Reservations**

Entity power given to	Section of LANA	Description
Person	23A(1)	Power to apply to Chief Executive for the allocation of a floating reservation.
Person	23A(6)	Power to appeal against a Chief Executive's decision.
Registered owner or lessee	24(3)	Power to apply to the Minister to buy the land.
Registered owner or lessee	25(2)	Power to appeal against the unimproved value of land.
Registered owner or Trustee	26(2)	In certain circumstances, power to agree with the Minister in respect to the specified matters when the Minister is deciding the boundaries of land being resumed.
Lessee, registered owner or trustee	26(4)	Power to appeal against the Minister's decision on the boundaries.
Lessee or registered owner	26B(8)	Power to appeal against the value decided by the Minister for the commercial timber.

**CHAPTER 3 – RESERVES, DEEDS OF GRANT IN TRUST AND ROADS****Part 1 – Reserves and deeds of grant in trust****Division 2 – Reserves**

Entity power given to	Section of LANA	Description
Any Person	31C(1)	Power to apply to the Minister for the dedication of a reserve.
Any Person	31C(2)	Power to give notice of the person's intention to make the application to: (a) if the person is not the proposed trustee of the reserve - the proposed trustee; and (b) each person with a registered interest in the unallocated State land over which a reserve is proposed to be dedicated.
Any Person	31C(3)	Power to give notice to any other person that the person considers has an interest in the unallocated State land over which the reserve is proposed to be dedicated.
Trustee of a reserve	31D(1)	Power to apply to the Minister: (a) to change the boundaries of the reserve; or (b) to change the purpose for which the reserve is dedicated.
Trustee of a reserve	31D(2)	Power to give notice of the trustee's intention to make the application to each person with a registered interest in the reserve.
Trustee of a reserve	31D(3)	Power to give notice to any other person the trustee considers: (a) has an interest in the reserve; or (b) would have an interest in the reserve if the boundaries of the reserve or the purpose for which the reserve is dedicated were changed.
Any Person	34(1)	Power to apply for the revocation of the dedication of all or part of a reserve.

Any Person	34(2)	Power to give notice of the person's intention to make the application to: (a) if the person is not the trustee of the reserve - the trustee of the reserve; and (b) each person with a registered interest in the reserve.
Any Person	34(3)	Power to give notice to any other person that the person considers has an interest in the reserve.
Local Government	34H(1)	Power to apply, in writing to the Chief Executive, to remove improvements from a revoked reserve.
Trustee of an operational reserve	34I(1)	In certain circumstances, power to apply for the issue of a deed of grant over a reserve.
Trustee of an operational reserve	34I(3)	Power to give notice of the trustee's intention to make the application to each person with a registered interest in the reserve.
Trustee of an operational reserve	34I(4)	Power to give notice to any other person the trustee considers has an interest in the reserve.

### Division 3 – Deeds of grant in trust

Entity power given to	Section of LANA	Description
Trustee of deed of grant in trust	38A(1)	Power to apply: (a) for an additional community purpose to be notified; or (b) to amalgamate land with common purposes.
Any Person	38A(2)	Power to apply for the cancellation of a deed of grant in trust.
Applicant	38A(3)	Power to give notice of the applicant's intention to apply to each of the following: (a) the trustee of the deed of grant in trust, other than the applicant (b) each person with a registered interest in the trust land.
Applicant	38A(4)	Power to give notice to any other person the applicant considers has an interest in the trust land.
Owner of improvements on a deed of grant in trust that has been cancelled	38G(1)	Power to apply, in writing to the Chief Executive, to remove the owner's improvements on a deed of grant in trust.

### Division 5 – Appointments, functions and removal of trustees

Entity power given to	Section of LANA	Description
Proposed trustee	44(4)	Power to provide written acceptance of appointment as trustee.
Trustee	48(1)(a)	Power to apply for the approval of a management plan for the trust land.
Trustee	49	In certain circumstances, power to: (a) allow the auditor general, a person mentioned in section 47(1)(a) to (d), or a person authorised by the Chief Executive of a Department, to audit the trust's financial accounts; and

		(b) help the conduct of the audit, including a disclosure of the financial institution accounts necessary for the audit.
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#### Division 6 – Powers of trustee

Entity power given to	Section of LANA	Description
Trustee	52(1)	Power to take all action necessary for the maintenance and management of the trust land.
Trustee of trust land	52(5)	Power to apply for the approval of an action that is inconsistent with the purpose for which the reserve was dedicated or the land was granted in trust ( <i>inconsistent action</i> ).
Trustee	55(1)	Power to surrender all or part of a deed of grant in trust: (a) on terms agreed to between the Minister and the trustee; and (b) with the Minister's written approval.
Trustee of a deed of grant in trust	55A(1)	Power to apply to surrender all or part of a deed of grant in trust.
Trustee of a deed of grant in trust	55A(2)	Power to give notice of the trustee's intention to apply to each person with a registered interest in the deed of grant in trust.
Trustee of a deed of grant in trust	55A(3)	Power to give notice to any other person the trustee considers has an interest in the deed of grant in trust.
Owner of improvements on a deed of grant in trust that has been surrendered	55H(1)	Power to apply, in writing to the Chief Executive, to remove the owner's improvements on a surrendered deed of grant in trust.
Trustee Lessee	58(7)	Power to appeal against a decision by the Minister or Chief Executive under section 58(6)

#### Division 7 – Trustee leases and trustee permits

Entity power given to	Section of LANA	Description
Trustee	66(1)	In certain circumstances, power to allow a trustee lessee or trustee permittee to remove the trustee lessee's or trustee permittee's improvements on the land within a reasonable time stated by the trustee.

#### Division 10 – Cemeteries

Entity power given to	Section of LANA	Description
Local Government	82	Power to: (a) agree to have the trusteeship of a cemetery transferred; and (b) agree to conditions of the transfer of trusteeship.

**Division 11 – Other grants for public purposes**

Entity power given to	Section of LANA	Description
Trustee of land granted for an estate in fee simple for some community, public or similar purpose	84(1)	In certain circumstances, power to apply to the Minister to surrender land to the State and for the issue of a deed in grant in trust under the <i>Land Act 1994</i> for a community or public purpose.

**Part 2 –****Roads****Division 1 – Dedicating and opening roads**

Entity power given to	Section of LANA	Description
Person	94(2)	Power to apply for the dedication of a road for public use.

**Division 2 – Closing roads**

Entity power given to	Section of LANA	Description
Public Utility Provider or Adjoining Owner for the road	99(1)	Power to apply for the permanent closure of a road.
Adjoining Owner for the road or, in certain circumstances, another person	99(3)	In certain circumstances, power to apply to the Minister for the temporary closure of a road.
Adjoining Owner	99(4)	Power to ask for the road, on its closure, to be amalgamated with the adjoining owner's adjoining land.
Adjoining Owner for the road	99(6)	In certain circumstances, power to ask in the application that, on the closure of the road, the road, the adjoining land and the other land be amalgamated.

**Division 4 – Permanently closed roads**

Entity power given to	Section of LANA	Description
Registered Owner	109A(1)	In certain circumstances, power to apply for the simultaneous opening and closure of roads.
Registered Owner	109A(3)	Power to appeal against any conditions the Minister imposes under section 420I.
Trustee or Lessee	109B(1)	In certain circumstances, power to apply for the simultaneous opening and closure of roads.
Trustee	109B(4)	Power to appeal against any conditions the Minister imposes under section 420I.

## CHAPTER 4 – LAND HOLDINGS

### Part 1 – Making land available

Entity power given to	Section of LANA	Description
Any Person	120A(1)	Power to apply for an interest in land without competition.
Buyer or previous Lessee	140(1)	Power to negotiate the provisional value (negotiated value).
Buyer or previous Lessee	140(2)	Power to give written agreement to the negotiated value becoming the amount to be paid for the improvements.
Buyer or previous Lessee	140(4)	Power to make application to the Court to decide the value.

### Part 3 – Leases

Entity power given to	Section of LANA	Description
Lessee	154(1)	Power to apply to the Minister for a lease to be used for additional or fewer purposes.
Lessee	155A(2)	Power to apply to extend a lease.
Lessee	155B(2)	Power to apply to extend a lease.
Lessee	155BA(2)	Power to apply to extend a lease.
Lessee	155DA(4)	Power to make written submissions to the Minister.
Lessee of term lease	158(1)	In the specified circumstances, power to apply for an offer of a new lease.
Lessee	160(3)	Power to appeal against the Chief Executive's decision to refuse a renewal application if the only reason for the decision was that the lessee had not complied with the conditions of the lease.
Lessee	164C(1)	Power to make an extension application.
Lessee	164C(7)	Power to appeal against the Minister's decision.
Lessee	164H(1)(b)	Power to advise the Chief Executive and agree to the lease becoming a rolling term lease.
Lessee	166(1)	Power to make a conversion application.
Applicant	168(5)	Power to appeal against the Chief Executive's decision to refuse a conversion application if the only reason for the refusal is that the applicant had not complied with the conditions of the lease.
Lessee	169(a)	Power to enter into a conservation agreement.
Lessee	169(b)(i)	Power to enter into a forest consent agreement in relation to the land.
Lessee	176(1)	Power to apply for approval to subdivide a lease.
Applicant	176E	In certain circumstances, power to appeal against a decision.
Lessee of two or more leases	176K(1)	In certain circumstances, power to apply for approval to amalgamate existing leases.
Applicant	176Q	In certain circumstances, power to appeal against a decision that is given to an Applicant.
Lessee	176UA(2)	Power to enter into a land management agreement.

Lessee	176XA	Power to agree with the Minister to cancel the land management agreement registered on a lease.
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#### Part 4 – Permits to occupy particular land

Entity power given to	Section of LANA	Description
Any Person	177A(1)	Power to apply for a permit to occupy unallocated State land, a reserve or road.
Any Person	177A(2)	Power to give notice of the person's intention to apply to the following and to any other entity with a registered interest in the proposed permit land: (a) for a permit for a reserve – the trustee of the reserve; or (b) for a permit for a State-controlled road – the Chief Executive of the department in which the <i>Transport Infrastructure Act 1994</i> is administered.
Registered Owner	179(2)	In certain circumstances, power to agree with an applicant for a permit on conditions about the maintenance of a boundary fence.
Permittee	180(2)	Power to surrender a permit: (a) on terms agreed between the Chief Executive Officer and the permittee; and (b) with the Chief Executive's written approval.
Relevant entity for a permit	180A(1)	Power to apply to cancel a permit.
Relevant entity for a permit	180A(2)	Power to give notice of the entity's intention to apply to: (a) the permittee; and (b) any other entity with a registered interest in the permit land.
Relevant entity for a permit	180A(4)	Power to give notice to any other entity the relevant entity considers has an interest in the permit land.
Permittee	180A(5)	Power to apply to surrender a permit.
Permittee	180H(1)	Power to apply to the Chief Executive to remove improvements on permit land.

## CHAPTER 5 – MATTERS AFFECTING LAND HOLDINGS

### Part 2 – Conditions

#### Division 3 – Changing and reviewing imposed conditions

Entity power given to	Section of LANA	Description
Lessee or Licensee or permittee	210(1)	Power to agree to a change of an imposed condition of the lease, licence or permit.
Lessee or Licensee or permittee	210(2)	Power to apply to change conditions of a lease, licence or permit under section 210(1).
Lessee	212(1)	Power to agree to change an imposed condition about the protection and sustainability of lease land.
Lessee	212(3)	In certain circumstances, power to appeal against a decision.

**Division 3A – Regulated conditions**

Entity power given to	Section of LANA	Description
Lessee of a lease	212B(5)	Power to agree with the designated officer for the lease about matters stated in section 212B(5)(a) and (b).

**Division 5 – Remedial action**

Entity power given to	Section of LANA	Description
Lessee	214(3)	Power to enter into an amended or a new land management agreement upon receipt of a remedial action notice.
Lessee or Licensee	214A(4)	Power to make written submissions to the Minister in response to a warning notice.
Lessee	214F(3)	Power to appeal against a decision.

**Part 3 – Resumption and compensation****Division 2 – Resumption of a lease under a condition of the lease**

Entity power given to	Section of LANA	Description
Lessee	226(5)	Power to appeal against the Minister's decision.

**Division 3 – Resumption of a reservation for a public purpose**

Entity power given to	Section of LANA	Description
Owner of the improvement	232(5)	Power to appeal against the Minister's decision.

**Part 4 – Forfeiture****Division 2A – Forfeiture of leases by referral to court or for fraud**

Entity power given to	Section of LANA	Description
Relevant local government	239(4)	Power to appeal against a decision under subsection (2)(b)(iv) to allow an entity other than the relevant local government to sell the lease.

**Division 3A – Sale of lease instead of forfeiture**

Entity power given to	Section of LANA	Description
Lessee	240E(1)	Power to apply, in writing, to the Chief Executive for permission to sell the lease.
Relevant Local Government	240G(1)	Power to apply to the Chief Executive for approval to sell a lease.
Local Government	240I(3)	Power to start the process of selling a lease under this subdivision within the required period stated in the notice under section 240H(2).
Local Government	240I(4)	Power to set a reserve price for the sale of the lease by auction, or a price for the sale of the lease under an agreement, that is

		at least the total of all charges owing to the State under the Land Act 1994 relating to the lease.
Lessee of a forfeited lease	243(1A)	Power to apply to remove the lessee's improvements on the lease.

## CHAPTER 6 – REGISTRATION AND DEALINGS

### Part 3 –

#### Documents

##### Division 2 – Documents forming part of standard terms documents

Entity power given to	Section of LANA	Description
Person	321(1)	Power to ask the Chief Executive to withdraw a registered standard terms document.

### Part 4 –

#### Dealings affecting land

##### Division 1 – Transfers

Entity power given to	Section of LANA	Description
Lessee or Licensee or the holder of a sublease	322(3)	Power to apply for approval to transfer a lease, licence or sublease.
Transferor	322(8)	Power to appeal against the Chief Executive's decision.

##### Division 2 – Surrender

Entity power given to	Section of LANA	Description
Registered Owner	327	Power to agree to terms of the absolute surrender of freehold land.
Lessee	327A	Power to agree to terms of the absolute or conditional surrender of all or part of a lease.
Registered Owner of freehold land	327B	Power to apply, in writing to the Chief Executive, to surrender freehold land.
Lessee	327C(1)	Power to apply, in writing to the Chief Executive, to surrender all or part of a lease.
Lessee	327C(2)	Power to give notice of the lessee's intention to apply to any other person with a registered interest in the lease.
Lessee	327C(3)	Power to give notice to any other person the lessee considers has an interest in the lease.
Owner of improvements on a lease that has been surrendered	327I(1)	Power to apply, in writing to the Chief Executive, to remove improvements on surrendered lease.
Any grantee of an easement or profit a prendre	330(c)	Power to give written approval to the surrender where the grantee's interests will be adversely affected.

**Division 3 – Subleases**

Entity power given to	Section of LANA	Description
Person	332(1)(a)(i)	The power to seek the Minister's written approval to the sublease.
Lessee	332(7)	Power to appeal against a Minister's decision.
Sublessor	339(1)	Power to lodge a request for the Chief Executive to register the re-entry.

**Division 3A – Process for resolving disputes under particular subleases*****Subdivision 2 – Notice of dispute***

Entity power given to	Section of LANA	Description
Party to a sublease	339F(1)	Power to give another party to the sublease a written notice of dispute.
Responder	339G(1)	Power to give a notifier of a sublease dispute a written response to the dispute notice within the specified time.
Party to a sublease	339H(2)	Power to agree not to attempt to resolve the dispute by mediation and to submit the dispute to arbitration.

***Subdivision 3 – Mediation***

Entity power given to	Section of LANA	Description
Party to a sublease	339I(1)	Power to jointly appoint a mediator to mediate the dispute.
Party to a sublease	339I(2)	Power to request a prescribed dispute resolution entity appoint a mediator.
Party to a sublease	339J(1)	Power to agree to a time for mediation
Party to a sublease	339J(2)	Power to request the mediator to set a time for the mediation.
Party to a sublease	339J(4)	Power to appoint an agent to represent the Local Government at a mediation.

***Subdivision 4 – Arbitration***

Entity power given to	Section of LANA	Description
Party to a sublease	339O(1)	Power to appoint a single arbitrator to decide the dispute
Party to a sublease	339O(2)	Power to request a prescribed dispute resolution entity to appoint a single arbitrator to decide the dispute
Party to a sublease	339R(2)	Power to request an appointed expert participate in a hearing.
Party to a sublease	339U(3)(a)	Power to agree on how the costs of arbitration will be paid.

**Division 7 – Correcting and changing deeds of grant and leases**

Entity power given to	Section of LANA	Description
Registered owner or Trustee	358(1)	In certain circumstances, power to surrender land contained in a deed of grant or trustee's deed of grant in trust.

Registered owner or Trustee	358(2)	In certain circumstances, power to surrender land contained in a deed of grant or trustee's deed of grant in trust with the Minister's written approval.
Lessee or a person acting for the lessee	360C(1)	In certain circumstances, power to apply to amend the description in a freeholding lease if the description of the lease may be amended under section 360(1)(a) or (d).
Lessee or a person acting for the lessee	360C(2)	Power to apply to amend the description in a term lease or perpetual lease, other than a State lease, if the description of the lease may be amended under section 360A(2)(a), (b) or (c).
Lessee or a person acting for the lessee	360C(3)	Power to apply to amend the description in a State lease if the description of the lease may be amended under section 360B(1)(a), (b), (c) or (d).
Applicant	360D(2)	Power to give notice of the applicant's intention to apply to any other person with a registered interest in the lease land.
Applicant	360D(3)	Power to give notice to any other person the applicant considers has an interest in the lease.

#### Division 8 – Easements

Entity power given to	Section of LANA	Description
Trustee	368(2)(a)	In certain circumstances, power to ask the Chief Executive to extinguish an easement.
Owner of land or public utility provider	371(2)	In certain circumstances, power to sign a document of surrender
Person who has a registered interest in the land	371(3)	Power to agree to surrender an easement.
Person	372(2)	Power to apply for the Minister's written approval to continue a public utility easement over unallocated state land.
Person	372(3)	Power to apply for the Minister's written approval to continue a public utility easement over a reserve.

#### Division 8A – Covenants

Entity power given to	Section of LANA	Description
Local Government as Covenantee	373A(1)	Power to make certain non-freehold land the subject of a covenant.
The trustee of trust land, the lessee of lease land or the sublessee of subleased land.	373A(2)	Power to consent to a document creating a covenant.
Person	373B(1)(a)	Power to sign a document creating a covenant.
Person	373C(2)(a)	Power to sign a document amending the covenant.
Covenantee	373D(2)	Power to sign a document releasing the covenant.

**Division 8B – Profits a prendre**

Entity power given to	Section of LANA	Description
Lessee	373L(a)	Power to ask the Chief Executive to extinguish the profit a prendre.

**Division 11A – Caveats**

Entity power given to	Section of LANA	Description
Caveatee	389H(1)	Power to apply to the Supreme Court for an order that a caveat lodged under this division be removed.

**CHAPTER 7 – GENERAL****Part 1D – Provisions about offers**

Entity power given to	Section of LANA	Description
Offeror	403R(3)	Power to extend the offer period for which the offer is valid in the offer period if the offeree applies for an extension within the offer period.
Offeror	403R(4)	In certain circumstances, power to extend the offer period for which the offer is valid after, but within 42 days after, the offer period ends.
Offeree	403R(4)(a)	Power to apply for an extension after, but within 42 days after, the offer period ends.
Offeror	403R(4)(b)	Power to be satisfied that exceptional circumstances exist to extend the period for which the offer is valid.
Offeror	403V(2)	Power to amend the offer to change the purchase price or cash premium.

**Part 2 – Unlawful occupation of non-freehold and trust land****Division 3 – Action by lessee, licensee, permittee or trustee**

Entity power given to	Section of LANA	Description
Trustee or Lessee or Licensee or Permittee	415(1)	In certain circumstances, power to start a proceeding in the Magistrates Court.

**Division 4 – Court matters**

Entity power given to	Section of LANA	Description
Party	420	Power to appeal to the District Court on a question of law if dissatisfied with a trespass order.

**Part 2A – General provisions for applications**

Entity power given to	Section of LANA	Description
Entity	420CB(1)	Power to make a submission against the proposed application to: (a) the person who gave the entity the notice; or (b) the Chief Executive.

**Part 3 – Review of decisions and appeals****Division 2 – Internal review of decisions**

Entity power given to	Section of LANA	Description
Person who has a right of appeal against an original decision	423	Power to apply to the Minister for a review of the decision.
Applicant	425(1)	Power to apply for a stay of the decision to the Court.

**Division 3 – Appeals**

Entity power given to	Section of LANA	Description
A person who has applied for the review of a decision under division 2	427	Power to appeal to the Court if dissatisfied with the review decision.

**Part 3B – Making land available for public use as beach**

Entity power given to	Section of LANA	Description
Local Government	431V(3)	Power to consult with the owner of the lot.
Manager	431W(6)(a)	Power to authorise an officer or employee of the manager of a declared beach area, to enter the area at any time without notice to any other person.
Manager	431X(1)(b)(ii)	Power to authorise or direct a person acting in the performance of functions or powers.

**Part 4 – Miscellaneous**

Entity power given to	Section of LANA	Description
Offeree	442(4)	In certain circumstances, power to apply to the person who made the offer to extend the time stated in the offer or that otherwise applies under subsection (1).
Offeror	442(9)	Power to amend the offer by changing the price or premium to a price or premium decided by the offeror in the way prescribed by regulation.

## CHAPTER 8 – CONTINUED RIGHTS AND TENURES

### Part 5 – Licences and permits

#### Division 1 – Occupation licences

Entity power given to	Section of LANA	Description
Licensee	481A	Power to surrender, absolutely, all or part of an occupation licence: (a) on terms agreed to between the Minister and the licensee; (b) and with the Minister's written approval.
Public Utility Provider (an <i>applicant</i> )	481B(1)	Power to apply to cancel all or part of an occupation licence.
Licensee (an <i>applicant</i> )	481B(3)	Power to apply to surrender, absolutely, all or part of an occupation licence.
Applicant	481B(4)	Power to give notice of the applicant's intention to apply to each of the following: (a) if the applicant is not the licensee of the occupation licence – the licensee; (b) any other person with a registered interest in the occupation licence; (c) if the occupation licence is a designated occupation licence – the Chief Executive of the department having responsibility for the administration of the forest reserve, national park, State forest or timber reserve the subject of the designated occupation licence.
Applicant	481B(5)	Power to give notice to any other person the applicant considers has an interest in the occupation licence.
Licensee of occupation licence	481J(1)	Power to apply to remove licensee's improvements on a licence.

### Part 7 – Tenures under other Acts

#### Division 1 – Sale to Local Authorities Land Act 1882

Entity power given to	Section of LANA	Description
Local Government	492(1)	In certain circumstances, power to apply to exchange a conditional deed for a reserve or deed of grant in trust with Council as trustee or a lease issued under the <i>Land Act 1994</i> .

## CHAPTER 9 – TRANSITIONAL AND REPEAL PROVISIONS

### Part 1K – Transitional provisions for Land, Water and Other Legislation Amendment Act 2013

Entity power given to	Section of LANA	Description
Lessee	521ZE(2)	Power to apply in writing to the Minister for the cancellation of the land management agreement for the lease.

**Part 1M – Transitional provisions for Land and Other Legislation Amendment Act 2014**

Entity power given to	Section of LANA	Description
Lessee of a lease	521ZL(2)	Power to agree to the renewal application being treated as an extension application and advise the Chief Executive of same.
Lessee of a lease	521ZM(2)	Power to advise the Chief Executive that the lessee wishes the lease to become a rolling term lease.

## Schedule 2

### Limitations to the Exercise of Power

1. 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). The delegated power shall be subject to prior Council consultation where the exercise of any delegated power may in all reasonable likelihood:
  - (a) impact on land and/or sea; and/or
  - (b) involve payment of compensation regarding land; and/or
  - (c) require a budget amendment.
2. 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.
3. Unless a higher financial delegation is explicitly provided for in the delegation, any decision of the delegate must be made within the financial delegation of the delegate.
4. Unless explicitly provided for in the delegation, 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.
5. 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.
6. 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.
7. 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).
8. 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.
9. 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.

10. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.
11. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein. 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.

[2023 02 28 - LANA - Delegation Instrument]

## Delegable Powers under the Land Act 1994 ("LANA")

### CHAPTER 1 – PRELIMINARY

#### Part 4 – Tidal and non-tidal boundaries and associated matters

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Registered Owner	12(3)	Power to suitably indicate where the boundaries of land are across a surface of water.	N/A			
Registered Owner	12(4)	Power to regulate or prohibit the use or movement of ships in or over water above inundated land.	N/A			
Owner who may take water under the <i>Water Act 2000</i> , section 96	13A(4)	Power to, in certain circumstances: (a) exercise a right of access for the owner, the owner's family, executive officers, employees, agents and stock over the adjacent area of the watercourse or lake that is the property of the State that adjoins the owner's land; and (b) exercise a right of grazing for the person's stock over the adjacent area; and (c) bring an action against a person who trespasses on the adjacent area.	N/A			
Adjacent Owner	13AC(1)(a)	In certain circumstances, power to consent to the dedication of a reserve.	N/A			

Applicant	13B(1)	In certain circumstances, power to apply to the Chief Executive to have watercourse land adjoining the relevant land's non-tidal boundary declared to be former watercourse land.	N/A			
Applicant	13B(2)	Power to give notice of a person's intention to make the application.	N/A			
Applicant	13B(6)	Power to appeal against the refusal of the application.	N/A			

## CHAPTER 2 – LAND ALLOCATION

### Part 1 – Allocation powers

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Registered Owner	18(1)	Power to reach agreement with the Governor in Council to grant unallocated State land in exchange for all or part of freehold land.	N/A			
Lessee of a freeholding lease	18(2)	Power to reach agreement with the Governor in Council to grant a freeholding lease in exchange for all or part of a freeholding lease.	N/A			
Lessee of a term lease	18(3)	Power to enter into agreement with the Minister to lease unallocated State land.	N/A			

**Part 2 – Reservations**

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person	23A(1)	Power to apply to Chief Executive for the allocation of a floating reservation.	N/A			
Person	23A(6)	Power to appeal against a Chief Executive's decision.	N/A			
Registered owner or lessee	24(3)	Power to apply to the Minister to buy the land.	N/A			
Registered owner or lessee	25(2)	Power to appeal against the unimproved value of land.	N/A			
Registered owner or Trustee	26(2)	In certain circumstances, power to agree with the Minister in respect to the specified matters when the Minister is deciding the boundaries of land being resumed.	N/A			
Lessee, registered owner or trustee	26(4)	Power to appeal against the Minister's decision on the boundaries.	N/A			
Lessee or registered owner	26B(8)	Power to appeal against the value decided by the Minister for the commercial timber.	N/A			

## CHAPTER 3 – RESERVES, DEEDS OF GRANT IN TRUST AND ROADS

### Part 1 – Reserves and deeds of grant in trust

#### Division 2 – Reserves

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Any Person	31C(1)	Power to apply to the Minister for the dedication of a reserve.	N/A			
Any Person	31C(2)	Power to give notice of the person's intention to make the application to: (a) if the person is not the proposed trustee of the reserve - the proposed trustee; and (b) each person with a registered interest in the unallocated State land over which a reserve is proposed to be dedicated.	N/A			
Any Person	31C(3)	Power to give notice to any other person that the person considers has an interest in the unallocated State land over which the reserve is proposed to be dedicated.	N/A			
Trustee of a reserve	31D(1)	Power to apply to the Minister: (a) to change the boundaries of the reserve; or (b) to change the purpose for which the reserve is dedicated.	N/A			
Trustee of a reserve	31D(2)	Power to give notice of the trustee's intention to make the application to each person with a registered interest in the reserve.	N/A			

Trustee of a reserve	31D(3)	Power to give notice to any other person the trustee considers: (a) has an interest in the reserve; or (b) would have an interest in the reserve if the boundaries of the reserve or the purpose for which the reserve is dedicated were changed.	N/A			
Any Person	34(1)	Power to apply for the revocation of the dedication of all or part of a reserve.	N/A			
Any Person	34(2)	Power to give notice of the person's intention to make the application to: (a) if the person is not the trustee of the reserve - the trustee of the reserve; and (b) each person with a registered interest in the reserve.	N/A			
Any Person	34(3)	Power to give notice to any other person that the person considers has an interest in the reserve.	N/A			
Local Government	34H(1)	Power to apply, in writing to the Chief Executive, to remove improvements from a revoked reserve.	N/A			
Trustee of an operational reserve	34I(1)	In certain circumstances, power to apply for the issue of a deed of grant over a reserve.	N/A			
Trustee of an operational reserve	34I(3)	Power to give notice of the trustee's intention to make the application to each person with a registered interest in the reserve.	N/A			
Trustee of an operational reserve	34I(4)	Power to give notice to any other person the trustee considers has an interest in the reserve.	N/A			

### Division 3 – Deeds of grant in trust

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Trustee of deed of grant in trust	38A(1)	Power to apply: (a) for an additional community purpose to be notified; or (b) to amalgamate land with common purposes.	N/A			
Any Person	38A(2)	Power to apply for the cancellation of a deed of grant in trust.	N/A			
Applicant	38A(3)	Power to give notice of the applicant's intention to apply to each of the following: (a) the trustee of the deed of grant in trust, other than the applicant (b) each person with a registered interest in the trust land.	N/A			
Applicant	38A(4)	Power to give notice to any other person the applicant considers has an interest in the trust land.	N/A			
Owner of improvements on a deed of grant in trust that has been cancelled	38G(1)	Power to apply, in writing to the Chief Executive, to remove the owner's improvements on a deed of grant in trust.	N/A			

**Division 5 – Appointments, functions and removal of trustees**

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Proposed trustee	44(4)	Power to provide written acceptance of appointment as trustee.	N/A			
Trustee	48(1)(a)	Power to apply for the approval of a management plan for the trust land.	N/A			
Trustee	49	In certain circumstances, power to: (a) allow the auditor general, a person mentioned in section 47(1)(a) to (d), or a person authorised by the Chief Executive of a Department, to audit the trust's financial accounts; and (b) help the conduct of the audit, including a disclosure of the financial institution accounts necessary for the audit.	N/A			

**Division 6 – Powers of trustee**

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Trustee	52(1)	Power to take all action necessary for the maintenance and management of the trust land.	23 February 2021; Trustee resolution 8 December 2020			Subject to consultation with the Mayor and Divisional Councillor.
Trustee of trust land	52(5)	Power to apply for the approval of an action that is inconsistent with the purpose for which the reserve was dedicated or the land was granted in trust ( <i>inconsistent action</i> ).	N/A			

Trustee	55(1)	Power to surrender all or part of a deed of grant in trust: (a) on terms agreed to between the Minister and the trustee; and (b) with the Minister's written approval.	N/A			
Trustee of a deed of grant in trust	55A(1)	Power to apply to surrender all or part of a deed of grant in trust.	N/A			
Trustee of a deed of grant in trust	55A(2)	Power to give notice of the trustee's intention to apply to each person with a registered interest in the deed of grant in trust.	N/A			
Trustee of a deed of grant in trust	55A(3)	Power to give notice to any other person the trustee considers has an interest in the deed of grant in trust.	N/A			
Owner of improvements on a deed of grant in trust that has been surrendered	55H(1)	Power to apply, in writing to the Chief Executive, to remove the owner's improvements on a surrendered deed of grant in trust.	N/A			
Trustee Lessee	58(7)	Power to appeal against a decision by the Minister or Chief Executive under section 58(6)	N/A			

#### Division 7 – Trustee leases and trustee permits

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Trustee	66(1)	In certain circumstances, power to allow a trustee lessee or trustee permittee to remove the trustee lessee's or trustee permittee's improvements on the land within a reasonable time stated by the trustee.	N/A			

### Division 10 – Cemeteries

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	82	Power to: (a) agree to have the trusteeship of a cemetery transferred; and (b) agree to conditions of the transfer of trusteeship.	N/A			

### Division 11 – Other grants for public purposes

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Trustee of land granted for an estate in fee simple for some community, public or similar purpose	84(1)	In certain circumstances, power to apply to the Minister to surrender land to the State and for the issue of a deed in grant in trust under the <i>Land Act 1994</i> for a community or public purpose.	N/A			

## Part 2 – Roads

### Division 1 – Dedicating and opening roads

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person	94(2)	Power to apply for the dedication of a road for public use.	23 February 2021; Trustee resolution 8 December 2020			Subject to consultation with the Mayor and Divisional Councillor.

### Division 2 – Closing roads

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Public Utility Provider or Adjoining Owner for the road	99(1)	Power to apply for the permanent closure of a road.	23 February 2021; Trustee resolution 8 December 2020			Subject to consultation with the Mayor and Divisional Councillor.
Adjoining Owner for the road or, in certain circumstances, another person	99(3)	In certain circumstances, power to apply to the Minister for the temporary closure of a road.	23 February 2021; Trustee resolution 8 December 2020			Subject to consultation with the Mayor and Divisional Councillor.
Adjoining Owner	99(4)	Power to ask for the road, on its closure, to be amalgamated with the adjoining owner's adjoining land.	23 February 2021; Trustee resolution 8 December 2020			Subject to consultation with the Mayor and Divisional Councillor.

Adjoining Owner for the road	99(6)	In certain circumstances, power to ask in the application that, on the closure of the road, the road, the adjoining land and the other land be amalgamated.	23 February 2021; Trustee resolution 8 December 2020			Subject to consultation with the Mayor and Divisional Councillor.
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#### Division 4 – Permanently closed roads

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Registered Owner	109A(1)	In certain circumstances, power to apply for the simultaneous opening and closure of roads.	23 February 2021; Trustee resolution 8 December 2020			Subject to consultation with the Mayor and Divisional Councillor.
Registered Owner	109A(3)	Power to appeal against any conditions the Minister imposes under section 420I.	23 February 2021; Trustee resolution 8 December 2020			Subject to consultation with the Mayor and Divisional Councillor.
Trustee or Lessee	109B(1)	In certain circumstances, power to apply for the simultaneous opening and closure of roads.	23 February 2021; Trustee resolution 8 December 2020			Subject to consultation with the Mayor and Divisional Councillor.
Trustee	109B(4)	Power to appeal against any conditions the Minister imposes under section 420I.	23 February 2021; Trustee resolution 8 December 2020			Subject to consultation with the Mayor and Divisional Councillor.

## CHAPTER 4 – LAND HOLDINGS

### Part 1 – Making land available

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Any Person	120A(1)	Power to apply for an interest in land without competition.	N/A			
<del>Proposed Lessee</del>	<del>136(5)</del>	<del>Power to enter into a land management agreement.</del>	N/A			
Buyer or previous Lessee	140(1)	Power to negotiate the provisional value (negotiated value).	N/A			
Buyer or previous Lessee	140(2)	Power to give written agreement to the negotiated value becoming the amount to be paid for the improvements.	N/A			
Buyer or previous Lessee	140(4)	Power to make application to the Court to decide the value.	N/A			

### Part 3 – Leases

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessee	154(1)	Power to apply to the Minister for a lease to be used for additional or fewer purposes.	N/A			
Lessee	155A(2)	Power to apply to extend a lease.	N/A			
Lessee	155B(2)	Power to apply to extend a lease.	N/A			
Lessee	155BA(2)	Power to apply to extend a lease.	N/A			

Lessee	155DA(4)	Power to make written submissions to the Minister.	N/A			
Lessee of term lease	158(1)	<del>In the specified circumstances, power to apply for an offer of a new lease unless the condition of the lease or the Land Act 1994 prohibits a renewal.</del>	N/A			
<del>Applicant</del> Lessee	160(3)	Power to appeal against the Chief Executive's decision to refuse <del>the a</del> renewal application if the only reason for the <del>refusal decision</del> was that the <del>applicant-lessee</del> had not <del>fulfilled-complied with</del> the conditions of the lease.	N/A			
Lessee	164C(1)	Power to make an extension application.	N/A			
Lessee	164C(7)	Power to appeal against the Minister's decision.	N/A			
Lessee	164H(1)(b)	Power to advise the Chief Executive and agree to the lease becoming a rolling term lease.	N/A			
Lessee	166(1)	Power to make a conversion application.	N/A			
Applicant	168(5)	Power to appeal against the Chief Executive's decision to refuse <del>the a</del> conversion application if the only reason for the refusal is that the applicant had not <del>fulfilled-complied with</del> the conditions of the lease.	N/A			
Lessee	169(a)	Power to enter into a conservation agreement.	N/A			
Lessee	169(b)(i)	Power to enter into a forest consent agreement in relation to the land.	N/A			
Lessee	176(1)	Power to apply for approval to subdivide a lease.	N/A			

Applicant	176E	In certain circumstances, power to appeal against a decision.	N/A			
Lessee of two or more leases	176K(1)	In certain circumstances, power to apply for approval to amalgamate existing leases.	N/A			
Applicant	176Q	In certain circumstances, power to appeal against a decision that is given to an Applicant.	N/A			
Lessee	176UA(2)	Power to enter into a land management agreement.	N/A			
Lessee	176XA	Power to agree with the Minister to cancel the land management agreement registered on a lease.	N/A			

**Part 4 – Permits to occupy particular land**

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Any Person	177A(1)	Power to apply for a permit to occupy unallocated State land, a reserve or road.	N/A			
Any Person	177A(2)	Power to give notice of the person's intention to apply to the following and to any other entity with a registered interest in the proposed permit land: (a) for a permit for a reserve – the trustee of the reserve; or (b) for a permit for a State-controlled road – the Chief Executive of the department in which the <i>Transport Infrastructure Act 1994</i> is administered.	N/A			

Registered Owner	179(2)	In certain circumstances, power to agree with an applicant for a permit on conditions about the maintenance of a boundary fence.	N/A			
Permittee	180(2)	Power to surrender a permit: (a) on terms agreed between the Chief Executive Officer and the permittee; and (b) with the Chief Executive's written approval.	N/A			
Relevant entity for a permit	180A(1)	Power to apply to cancel a permit.	N/A			
Relevant entity for a permit	180A(2)	Power to give notice of the entity's intention to apply to: (a) the permittee; and (b) any other entity with a registered interest in the permit land.	N/A			
Relevant entity for a permit	180A(4)	Power to give notice to any other entity the relevant entity considers has an interest in the permit land.	N/A			
Permittee	180A(5)	Power to apply to surrender a permit.	N/A			
Permittee	180H(1)	Power to apply to the Chief Executive to remove improvements on permit land.	N/A			

## CHAPTER 5 – MATTERS AFFECTING LAND HOLDINGS

### Part 2 – Conditions

#### Division 3 – Changing and reviewing imposed conditions

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessee or Licensee or permittee	210(1)	Power to agree to a change of an imposed condition of the lease, licence or permit.	N/A			
Lessee or Licensee or permittee	210(2)	Power to apply to change conditions of a lease, licence or permit under section 210(1).	N/A			
Lessee	212(1)	Power to agree to change an imposed condition about the protection and sustainability of lease land.	N/A			
Lessee	212(3)	In certain circumstances, power to appeal against a decision.	N/A			

#### Division 3A – Regulated conditions

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessee of a lease	212B(5)	Power to agree with the designated officer for the lease about matters stated in section 212B(5)(a) and (b).	N/A			

### Division 5 – Remedial action

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessee	214(3)	Power to enter into an amended or a new land management agreement upon receipt of a remedial action notice.	N/A			
Lessee or Licensee	214A(4)	Power to make written submissions to the Minister in response to a warning notice.	N/A			
Lessee	214F(3)	Power to appeal against a decision.	N/A			

### Part 3 – Resumption and compensation

#### Division 2 – Resumption of a lease under a condition of the lease

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessee	226(5)	Power to appeal against the Minister's decision.	N/A			

#### Division 3 – Resumption of a reservation for a public purpose

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Owner of the improvement	232(5)	Power to appeal against the Minister's decision.	N/A			

**Part 4 – Forfeiture**

**Division 2A – Forfeiture of leases by referral to court or for fraud**

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Relevant local government	239(4)	Power to appeal against a decision under subsection (2)(b)(iv) to allow an entity other than the relevant local government to sell the lease.	N/A			

**Division 3A – Sale of lease instead of forfeiture**

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessee	240E(1)	Power to apply, in writing, to the Chief Executive for permission to sell the lease.	N/A			
Relevant Local Government	240G(1)	Power to apply to the Chief Executive for approval to sell a lease.	N/A			
Local Government	240I(3)	Power to start the process of selling a lease under this subdivision within the required period stated in the notice under section 240H(2).	N/A			
Local Government	240I(4)	Power to set a reserve price for the sale of the lease by auction, or a price for the sale of the lease under an agreement, that is at least the total of all charges owing to the State under the Land Act 1994 relating to the lease.	N/A			

Lessee of a forfeited lease	243(1A)	Power to apply to remove the lessee's improvements on the lease.	N/A			
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## CHAPTER 6 – REGISTRATION AND DEALINGS

### Part 3 – Documents

#### Division 2 – Documents forming part of standard terms documents

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person	321(1)	Power to ask the Chief Executive to withdraw a registered standard terms document.	N/A			

### Part 4 – Dealings affecting land

#### Division 1 – Transfers

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessee or Licensee or the holder of a sublease	322(3)	Power to apply for approval to transfer a lease, licence or sublease.	N/A			
Transferor	322(8)	Power to appeal against the Chief Executive's decision.	N/A			

### Division 2 – Surrender

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Registered Owner	327	Power to agree to terms of the absolute surrender of freehold land.	N/A			
Lessee	327A	Power to agree to terms of the absolute or conditional surrender of all or part of a lease.	N/A			
Registered Owner of freehold land	327B	Power to apply, in writing to the Chief Executive, to surrender freehold land.	N/A			
Lessee	327C(1)	Power to apply, in writing to the Chief Executive, to surrender all or part of a lease.	N/A			
Lessee	327C(2)	Power to give notice of the lessee's intention to apply to any other person with a registered interest in the lease.	N/A			
Lessee	327C(3)	Power to give notice to any other person the lessee considers has an interest in the lease.	N/A			
Owner of improvements on a lease that has been surrendered	327I(1)	Power to apply, in writing to the Chief Executive, to remove improvements on surrendered lease.	N/A			
Any grantee of an easement or profit a prendre	330(c)	Power to give written approval to the surrender where the grantee's interests will be adversely affected.	N/A			

### Division 3 – Subleases

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person	332(1)(a)(i)	The power to seek the Minister's written approval to the sublease.	N/A			
Lessee	332(7)	Power to appeal against a Minister's decision.	N/A			
Sublessor	339(1)	Power to lodge a request for the Chief Executive to register the re-entry.	N/A			

### Division 3A – Process for resolving disputes under particular subleases

#### Subdivision 2 – Notice of dispute

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Party to a sublease	339F(1)	Power to give another party to the sublease a written notice of dispute.	N/A			
Responder	339G(1)	Power to give a notifier of a sublease dispute a written response to the dispute notice within the specified time.	N/A			
Party to a sublease	339H(2)	Power to agree not to attempt to resolve the dispute by mediation and to submit the dispute to arbitration.	N/A			

**Subdivision 3 – Mediation**

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Party to a sublease	339I(1)	Power to jointly appoint a mediator to mediate the dispute.	N/A			
Party to a sublease	339I(2)	Power to request a prescribed dispute resolution entity appoint a mediator.	N/A			
Party to a sublease	339J(1)	Power to agree to a time for mediation	N/A			
Party to a sublease	339J(2)	Power to request the mediator to set a time for the mediation.	N/A			
Party to a sublease	339J(4)	Power to appoint an agent to represent the Local Government at a mediation.	N/A			

**Subdivision 4 – Arbitration**

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Party to a sublease	339O(1)	Power to appoint a single arbitrator to decide the dispute	N/A			
Party to a sublease	339O(2)	Power to request a prescribed dispute resolution entity to appoint a single arbitrator to decide the dispute	N/A			
Party to a sublease	339R(2)	Power to request an appointed expert participate in a hearing.	N/A			
Party to a sublease	339U(3)(a)	Power to agree on how the costs of arbitration will be paid.	N/A			

**Division 7 – Correcting and changing deeds of grant and leases**

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Registered owner or Trustee	358(1)	In certain circumstances, power to surrender land contained in a deed of grant or trustee's deed of grant in trust.	N/A			
Registered owner or Trustee	358(2)	In certain circumstances, power to surrender land contained in a deed of grant or trustee's deed of grant in trust with the Minister's written approval.	N/A			
Lessee or a person acting for the lessee	360C(1)	In certain circumstances, power to apply to amend the description in a freeholding lease if the description of the lease may be amended under section 360(1)(a) or (d).	N/A			
Lessee or a person acting for the lessee	360C(2)	Power to apply to amend the description in a term lease or perpetual lease, other than a State lease, if the description of the lease may be amended under section 360A(2)(a), (b) or (c).	N/A			
Lessee or a person acting for the lessee	360C(3)	Power to apply to amend the description in a State lease if the description of the lease may be amended under section 360B(1)(a), (b), (c) or (d).	N/A			
Applicant	360D(2)	Power to give notice of the applicant's intention to apply to any other person with a registered interest in the lease land.	N/A			
Applicant	360D(3)	Power to give notice to any other person the applicant considers has an interest in the lease.	N/A			

### Division 8 – Easements

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Trustee	368(2)(a)	In certain circumstances, power to ask the Chief Executive to extinguish an easement.	N/A			
Owner of land or public utility provider	371(2)	In certain circumstances, power to sign a document of surrender	N/A			
Person who has a registered interest in the land	371(3)	Power to agree to surrender an easement.	N/A			
Person	372(2)	Power to apply for the Minister's written approval to continue a public utility easement over unallocated state land.	N/A			
Person	372(3)	Power to apply for the Minister's written approval to continue a public utility easement over a reserve.	N/A			

### Division 8A – Covenants

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government as Covenantee	373A(1)	Power to make certain non-freehold land the subject of a covenant.	N/A			
The trustee of trust land, the lessee of	373A(2)	Power to consent to a document creating a covenant.	N/A			

lease land or the sublessee of subleased land.						
Person	373B(1)(a)	Power to sign a document creating a covenant.	N/A			
Person	373C(2)(a)	Power to sign a document amending the covenant.	N/A			
Covenantee	373D(2)	Power to sign a document releasing the covenant.	N/A			

#### Division 8B – Profits a prendre

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessee	373L(a)	Power to ask the Chief Executive to extinguish the profit a prendre.	N/A			

#### Division 11A – Caveats

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Caveatee	389H(1)	Power to apply to the Supreme Court for an order that a caveat lodged under this division be removed.	N/A			

## CHAPTER 7 – GENERAL

### Part 1D – Provisions about offers

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Offeror	403R(3)	Power to extend the offer period for which the offer is valid in the offer period if the offeree applies for an extension within the offer period.	N/A			
Offeror	403R(4)	In certain circumstances, power to extend the offer period for which the offer is valid after, but within 42 days after, the offer period ends. ▲	N/A			
Offeree	403R(4)(a)	Power to apply for an extension after, but within 42 days after, the offer period ends.	N/A			
Offeror	403R(4)(b)	Power to be satisfied that exceptional circumstances exist to extend the period for which the offer is valid.	N/A			
Offeror	403V(2)	Power to amend the offer to change the purchase price or cash premium.	N/A			

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### Part 2 – Unlawful occupation of non-freehold and trust land

#### Division 3 – Action by lessee, licensee, permittee or trustee

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Trustee or Lessee or	415(1)	In certain circumstances, power to start a proceeding in the Magistrates Court.	N/A			

Licensee or Permittee						
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#### Division 4 – Court matters

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Party	420	Power to appeal to the District Court on a question of law if dissatisfied with a trespass order.	N/A			

#### Part 2A – General provisions for applications

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Entity	420CB(1)	Power to make a submission against the proposed application to: (a) the person who gave the entity the notice; or (b) the Chief Executive.	N/A			

#### Part 3 – Review of decisions and appeals

##### Division 2 – Internal review of decisions

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person who has a right of appeal against an original decision	423	Power to apply to the Minister for a review of the decision.	N/A			

Applicant	425(1)	Power to apply for a stay of the decision to the Court.	N/A			
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### Division 3 – Appeals

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
A person who has applied for the review of a decision under division 2	427	Power to appeal to the Court if dissatisfied with the review decision.	N/A			

### Part 3B – Making land available for public use as beach

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	431V(3)	Power to consult with the owner of the lot.	23 February 2021; Trustee resolution 8 December 2020			Subject to consultation with the Mayor and Divisional Councillor.
Manager	431W(6)(a)	Power to authorise an officer or employee of the manager of a declared beach area, to enter the area at any time without notice to any other person.	N/A			
Manager	431X(1)(b) (ii)	Power to authorise or direct a person acting in the performance of functions or powers.	N/A			

**Part 4 – Miscellaneous**

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Offeree	442(4)	In certain circumstances, power to apply to the person who made the offer to extend the time stated in the offer or that otherwise applies under subsection (1).	N/A			
Offeror	442(9)	Power to amend the offer by changing the price or premium to a price or premium decided by the offeror in the way prescribed by regulation.	N/A			

**CHAPTER 8 – CONTINUED RIGHTS AND TENURES**

**Part 5 – Licences and permits**

**Division 1 – Occupation licences**

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Licensee	481A	Power to surrender, absolutely, all or part of an occupation licence: (a) on terms agreed to between the Minister and the licensee; (b) and with the Minister's written approval.	N/A			
Public Utility Provider (an <b>applicant</b> )	481B(1)	Power to apply to cancel all or part of an occupation licence.	N/A			
Licensee (an <b>applicant</b> )	481B(3)	Power to apply to surrender, absolutely, all or part of an occupation licence.	N/A			

Applicant	481B(4)	Power to give notice of the applicant's intention to apply to each of the following: (a) if the applicant is not the licensee of the occupation licence – the licensee; (b) any other person with a registered interest in the occupation licence; (c) if the occupation licence is a designated occupation licence – the Chief Executive of the department having responsibility for the administration of the forest reserve, national park, State forest or timber reserve the subject of the designated occupation licence.	N/A			
Applicant	481B(5)	Power to give notice to any other person the applicant considers has an interest in the occupation licence.	N/A			
Licensee of occupation licence	481J(1)	Power to apply to remove licensee's improvements on a licence.	N/A			

**Part 7 – Tenures under other Acts**

**Division 1 – Sale to Local Authorities Land Act 1882**

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	492(1)	In certain circumstances, power to apply to exchange a conditional deed for a reserve or deed of grant in trust with Council as trustee or a lease issued under the <i>Land Act 1994</i> .	N/A			

## CHAPTER 9 – TRANSITIONAL AND REPEAL PROVISIONS

### Part 1K – Transitional provisions for Land, Water and Other Legislation Amendment Act 2013

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessee	521ZE(2)	Power to apply in writing to the Minister for the cancellation of the land management agreement for the lease.	N/A			

### Part 1M – Transitional provisions for Land and Other Legislation Amendment Act 2014

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessee of a lease	521ZL(2)	Power to agree to the renewal application being treated as an extension application and advise the Chief Executive of same.	N/A			
Lessee of a lease	521ZM(2)	Power to advise the Chief Executive that the lessee wishes the lease to become a rolling term lease.	N/A			

[2023 02 282-04-30 - LANA - Delegation Table]

# **INSTRUMENT OF DELEGATION**

## **Torres Strait Island Regional Council** ***Residential Tenancies and Rooming Accommodation Act 2008 ("RTRA")***

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

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

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

***Residential Tenancies and Rooming Accommodation Act 2008 ("RTRA")*****CHAPTER 2 – RESIDENTIAL TENANCY AGREEMENTS AND ROOMING ACCOMMODATION AGREEMENTS****Part 1 – Agreements****Division 1 – Residential tenancy agreements*****Subdivision 1 – General principles***

<b>Entity power given to</b>	<b>Section of RTRA</b>	<b>Description</b>
Lessor <sup>1</sup>	62(1)	Power to give a document prepared for section 61 to the tenant for signing on or before the day the tenant occupies the premises under the agreement.
Lessor	62(3)	Power to sign the document referred to in section 61 and return a copy signed by both parties to the tenant.
Lessor	64(3)	Power to form the reasonable belief that a tenant has contravened section 62(2) and, in that case, to apply to a tribunal for an order requiring the tenant to sign the relevant document and return it by a stated day.

***Subdivision 2 – Associated documents***

<b>Entity power given to</b>	<b>Section of RTRA</b>	<b>Description</b>
Lessor	65(2)	Power to prepare in the approved form, sign and give a copy to the tenant a condition report on or before the day the tenant occupies the premises under the residential tenancy agreement.
Lessor / Agent	66(2)(a)	Power to sign the copy of the condition report at the end of tenancy.
Lessor / Agent	66(3)(b)	Power to, if the lessor or agent does agree with the report, show the parts of the report the lessor or agent disagrees with by marking the copy in an appropriate way.
Lessor / Agent	66(3)(c)	Power to, if the tenant has given a forwarding address to the lessor or agent, make a copy of the report and return it to the tenant at the address.
Lessor	67(1)	Power to give an information statement in the approved form to the tenant.
Lessor	68(2)	Power to give a copy of park rules to the tenant and, if a park rule is changed, a copy of the rule as changed.
Lessor	69	In the specified circumstances, power to give the tenant a copy of relevant by-laws when giving the written agreement to the tenant for signing.

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A lessor is the person who gives the right to occupy residential premises under a residential tenancy agreement: section 8(1) of the *Residential Tenancies and Rooming Accommodation Act 2008*.

## **Division 2 – Rooming accommodation agreements**

### ***Subdivision 1 – General provisions***

<b>Entity power given to</b>	<b>Section of RTRA</b>	<b>Description</b>
Provider	77(4)(h)	Power to sign a rooming accommodation agreement.
Provider	78(1)	Power to give a document prepared for section 77 to the resident on or before the day the resident occupies the room in rental premises under the agreement.
Provider	78(2)	Power to, within 3 days after receiving the document signed by the resident, sign the document and return a copy signed by both parties to the resident.

### ***Subdivision 2 – Associated documents***

<b>Entity power given to</b>	<b>Section of RTRA</b>	<b>Description</b>
Provider	81(1)(b)	Power to prepare in the approved form, sign and give a copy to the resident a condition report on or before the day the resident occupies a room in the rental premises under the rooming accommodation agreement.

## **Part 2 – Rent**

### **Division 1 – Residential tenancy agreements**

<b>Entity power given to</b>	<b>Section of RTRA</b>	<b>Description</b>
Lessor	88(3)	Power to sign a receipt for payment.
Lessor	88(5)	Power to make a written record of payment and to give a copy of the record to the tenant.
Lessor	91(2)	Power to give a written notice of proposal to increase rent to the tenant, in the specified way.
Lessor	97(3)	In the specified circumstances, the power to apply to a tribunal to make an order about the payment of an amount by or to a tenant.

### **Division 2 – Rooming accommodation agreements**

<b>Entity power given to</b>	<b>Section of RTRA</b>	<b>Description</b>
Provider	98(3)(a)	Power to give a written notice to the resident about the approved way to pay rent.
Provider	98(3)(b)	Power to agree, in writing, with the resident to payments of rent being made in the way stated.
Provider	99(2)(a)	Power to: (a) give a written notice to the resident that gives the resident a choice of at least two other approved ways for payment of rent under section 98(4)(a) to (f); and (b) advises the resident of the costs associated with the approved way offered in the specified circumstances.
Provider	102(3)	Power to sign a receipt of payment.
Provider	105(2)	Power to give a resident a written notice stating the amount of increased rent and the day by which the rent is payable.

Provider	106(2)	Power to agree with the resident, the rent payable under the agreement decreases by the amount and from the time agreed.
Provider	106(3)	Power to, if agreement with the tenant can't be reached, apply to a tribunal for an order decreasing the rent, by a stated amount from a stated time.
Provider	107(2)	Power to agree with the resident to a reduction in rent for the period of the absence.
Provider	109(3)	Power to apply to a tribunal to make an order about the payment of an amount by or to the resident.

### Part 3 –

### Rental bonds

#### Division 2 – Payments to authority

Entity power given to	Section of RTRA	Description
Person	116(1)(a)	Power to pay the rental bond to the authority.
Person	116(1)(b)	Power to give the authority a notice, in an approved form, about a rental bond.
Lessor	117(2)(a)	In the specified circumstances, the power to pay the instalment to authority.
Lessor	117(2)(b)	In the specified circumstances, the power to give the authority a notice, in the approved form, about the instalments.
Lessor	117(3)(a)	In the specified circumstances, the power to pay the instalments received by the lessor or agent to the authority.
Lessor	117(3)(b)	In the specified circumstances, the power to give the authority a notice, in the approved form, about instalments.
Provider	118(2)(a)	In the specified circumstances, the power to pay the instalments to the authority.
Provider	118(2)(b)	In the specified circumstances, the power to give the authority a notice, in the approved form, about instalments.
Provider	118(3)(a)	In the specified circumstances, the power to pay to the authority the instalments received by the provider or agent.
Provider	118(3)(b)	In the specified circumstances, the power to give the authority a notice, in the approved form, about instalments.
Provider	118(4)(a)(i)	In the specified circumstances, the power to pay to the authority the instalments received by the provider or agent.
Provider	118(4)(a)(ii)	In the specified circumstances, the power to give the authority a notice, in the approved form, about instalments.
Provider	118(4)(b)(i)	In the specified circumstances, the power to pay the instalment to the authority within 10 days after receiving it.
Provider	118(4)(b)(ii)	In the specified circumstances, the power to give the authority a notice, in the approved form, about instalments.

### **Division 3 – Payments by authority**

#### ***Subdivision 4 – General process for payment of rental bond if interested persons for the payment***

<b>Entity power given to</b>	<b>Section of RTRA</b>	<b>Description</b>
Interested Person	136A(2)	In the specified circumstances, power to make a dispute resolution request to the authority about the payment.
Interested Person	136B(2)	Power to apply to the tribunal for an order about the payment of a rental bond.
Interested Person	136C(2)	In the specified circumstances, power to make a written request to the authority for an extension of the claim period of up to 3 days.

### **Division 4 – Enforcement provisions**

<b>Entity power given to</b>	<b>Section of RTRA</b>	<b>Description</b>
Person	145(1)	Power to give a receipt for a rental bond.
Person	145(2)(b)	Power to sign a receipt for a rental bond.

### **Division 6 – Miscellaneous**

<b>Entity power given to</b>	<b>Section of RTRA</b>	<b>Description</b>
Lessor / Provider	154(b)	Power to give a written notice to the tenant or resident to increase a rental bond.
Lessor / Provider	155(3)	In the specified circumstances, the power to apply to a tribunal to make an order declaring an amount is or is not a rental bond.

## **Part 4 – Key and holding deposits for residential tenancies**

### **Division 2 – Holding deposits**

<b>Entity power given to</b>	<b>Section of RTRA</b>	<b>Description</b>
Person	160(1)	Power to give a receipt for a holding deposit.

## **Part 5 – Outgoings of lessor or provider**

### **Division 1 – Residential tenancy agreements**

#### ***Subdivision 2 – Service charges***

<b>Entity power given to</b>	<b>Section of RTRA</b>	<b>Description</b>
Lessor	168(3)(a)	Power to agree with the tenant on an amount as reflecting the amount of rent attributable to the service or facility.
Lessor	168(4)	Power to give the tenant a written statement showing each service or facility for which an amount of rent is attributable and the amount attributed.

## CHAPTER 3 – RIGHTS AND OBLIGATIONS OF PARTIES FOR RESIDENTIAL TENANCIES

### Part 1A – Pets

#### Division 2 – Keeping pets and other animals at premises

Entity power given to	Section of RTRA	Description
Lessor	184B(1)	Power to approve the keeping of a pet or other animal at the premises.

### Part 3 – Lessors' right of entry

Entity power given to	Section of RTRA	Description
Lessor	192(1)	In the specified circumstances, the power to enter the premises.
Lessor	193(1)(a)	In the specified circumstances, the power to give a notice of proposed entry to the tenant.
Lessor	195(1)(b)	Power to make an agreement with the tenant that the lessor may enter premises on a Sunday or public holiday or on another day after 6.00 pm or before 8.00 am.
Lessor	195(5)	Power to agree a time for entry of premises under section 192(1)(j) with the tenant.
Lessor	197(1)(a)	In the specified circumstances, the power to give a notice to leave the premises to the tenant.
Lessor	198(1)(a)	In the specified circumstances, power to give a tenant a notice of the lessors' intention to sell the premises.
Lessor	203	Power to obtain the tenants written consent to use a photo or other image of something belonging to the tenant in an advertisement for the premises.

### Part 5 – The dwelling

#### Division 2 – Locks and keys

Entity power given to	Section of RTRA	Description
Lessor	211(1)	In the specific circumstances, power to change the lock at the premises.
Lessor	211(1)(c)	Power to form a belief on reasonable grounds that it is necessary to change the lock at a premises because of an emergency.
Lessor	211(3)(c)	Power to enter into an agreement with the tenant under which the tenant or lessor agrees not to be given a key.

#### Division 3 – Damage and repairs

Entity power given to	Section of RTRA	Description
Lessor	216(1)(a)	Power to nominate a person to act for the lessor in arranging for emergency repairs, or emergency repairs of a particular type, to be made of the premises or inclusions.

Lessor	216(1)(b)	Power to nominate a person to make emergency repairs, or emergency repairs of a particular type, of the premises or inclusions.
Lessor	216(2)	Power to give a written notice to the tenant of a nominated repairer.
Lessor	220(2)	In the specified circumstances, the power to apply to a tribunal for an order about the reimbursement or payment for emergency repairs.
Lessor	221B(1)	Power to apply to the tribunal for an extension of time to comply with a repair order.

## **Part 6 – Additional provisions for moveable dwelling premises**

### **Division 2 – Relocation**

<b>Entity power given to</b>	<b>Section of RTRA</b>	<b>Description</b>
Lessor	223	Power to give a notice to the tenant requiring the tenant to relocate to another site in the moveable dwelling park within a stated period.

### **Division 3 – Park rules**

<b>Entity power given to</b>	<b>Section of RTRA</b>	<b>Description</b>
Park Owner	229(1)(b)	In the specified circumstances, power to give a notice of proposal to each resident and any person who becomes a resident before the objection closing day of a proposed change of a park rule.
Park Owner	233(2)	Power to apply to a tribunal for an order declaring a proposal about a change of park rule to be reasonable or unreasonable.

## **Part 7 – Change of lessor or tenant**

### **Division 1 – Transfer or subletting by tenant**

<b>Entity power given to</b>	<b>Section of RTRA</b>	<b>Description</b>
Lessor	237(2)	Power to agree with the tenant, in writing, of the transfer or subletting of a tenant's interests under an agreement.
Lessor	238(2)(a)	Power to agree in writing to the transfer or subletting of a tenant's interests under an agreement.

### **Division 2 – Transfer by lessor**

<b>Entity power given to</b>	<b>Section of RTRA</b>	<b>Description</b>
Lessor	242(1)(a)	In the specified circumstances, the power to give a written notice of tenancy to a buyer.
Lessor	242(1)(b)	In the specified circumstances, the power to give a written notice of transfer to the tenant.

## CHAPTER 4 – RIGHTS AND OBLIGATIONS OF PARTIES FOR ROOMING ACCOMMODATION

### Part 1 – Rights and obligations generally

Entity power given to	Section of RTRA	Description
Provider	248(1)	In the specified circumstances, the power to give a written notice to the resident of address for service stating the specified information.
Provider	248(2)	In the specified circumstances, the power to give a written notice of change to the resident, within 14 days after the change.
Provider	255(1)	Power to give an agreement to the attaching of a fixture, or making of a structural change, in writing and stating the specified information.

### Part 2 – Entry to residents' rooms

Entity power given to	Section of RTRA	Description
Provider	257(1)	Power to agree with the resident for the provider to enter the resident's room for any reason.
Provider	259(2)	Power to give a written notice of proposed entry to a resident.
Provider	259(4)	Power to give a written notice of proposed entry to the agent to whom the resident normally pays rent.

### Part 3 – House rules

#### Division 2 – Rule changes

Entity power given to	Section of RTRA	Description
Provider	270(1)	In the specified circumstances, the power to give a written notice to each resident of rule change for rental premises, setting out the specified information.
Provider	271	In the specified circumstances, the power to give a written notice to a resident to whom a notice under section 270 have been given of a withdrawal of a proposed rule change.
Provider	272(4)(b)	Power to give a written notice to each resident if the provider receives objections to the proposed rule change, stating the specified information.
Provider	273(2)	Power to apply to a tribunal for an order declaring a proposed change to be reasonable.
Provider	273(7)	Power to give a written notice of the decision of the tribunal about a proposed rule change to each resident of the rental premises.
Provider	274(7)	Power to give a written notice of the decision of a tribunal to each resident of the rental premises about an existing rule.

## CHAPTER 5 – ENDING OF AGREEMENTS

### Part 1 – Ending of residential tenancy agreements

#### Division 1 – General

Entity power given to	Section of RTRA	Description
Lessor	277(a)	Power to agree, in a separate written agreement, to end the residential tenancy agreement with the tenant.

#### Division 2 – Action by lessor

##### *Subdivision 1 – Notices to remedy breach given by lessor*

Entity power given to	Section of RTRA	Description
Lessor	280(1)	Power to form a belief on reasonable grounds that: (a) the rent payable under an agreement has remained unpaid in breach of the agreement for at least 7 days; or (b) the tenant has breached another term of the agreement and the breach has not been remedied.
Lessor	280(2)	Power to give a notice to the tenant requiring the tenant remedy the breach within the allowed remedy period.

##### *Subdivision 2 – Notices to leave premises given by lessor*

Entity power given to	Section of RTRA	Description
Lessor	281(1)	Power to give a notice to leave the premises because the tenant has failed to comply with a notice to remedy breach, within the allowed remedy period.
Lessor	282(1)	Power to give a notice to leave the premises to the tenant because the tenant has failed to comply with an order of a tribunal.
Lessor	283(2)	Power to give a notice to leave to the tenant because the tenant has failed to comply within the required period, with a notice to relocate.
Lessor	284(1)	Power to give a notice to leave to the tenant because the premises have been destroyed or otherwise in the specified circumstances
Lessor	285(2)	Power to give a notice to leave to the tenant because the park has become an unfit place in which to live in a moveable dwelling.
Lessor	286(1)	Power to give a notice to a tenant to leave the premises because: (a) the lessor is preparing to sell the premises and the preparation requires the premises to be vacant; or (b) the lessor has entered into a contract to sell the premises with vacant possession.
Lessor	287(2)	Power to give a notice to leave the premises to the tenant because the park premises is to change use other than as a moveable dwelling park, or otherwise the park is to be closed.

Lessor	288(1)	In the specified circumstances, the power to give a notice to a tenant if the tenant's employment ends or entitlement to occupy under employment ends.
Lessor	289(2)	Power to give a notice to leave to the premises if the tenant's entitlement to supported accommodation ends.
Lessor / Community Housing Provider	290A(1)	Power to give a notice to leave the premises to the tenant because of a serious breach or otherwise in the specified circumstances.
Lessor	290B(1)	Power to give a notice to leave the premises to the tenant if the premises are required for use under a program administered by the State under an Act.
Lessor	290C(1)	Power to give a notice to leave the premises to the tenant if the lessor requires the premise to be vacant for a planned demolition or redevelopment.
Lessor	290D(1)	Power to give a notice to leave the premises to the tenant if: <ul style="list-style-type: none"> <li>(a) the premises requires significant repairs or the lessor intends to carry out significant renovations to the premises; and</li> <li>(b) the repairs or renovations cannot be safely carried out while the tenant occupies the premise.</li> </ul>
Lessor	290E(1)	Power to give a notice to leave the premises to the tenant if: <ul style="list-style-type: none"> <li>(a) the lessor requires the premises for a use other than residential tenancy; or</li> <li>(b) the lessor will require the premises for the other use for a period of at least 6 months.</li> </ul>
Lessor	290F(2)	Power to give a notice to leave the premises to the tenant if the tenant stops being a student.
Lessor	290(G)(1)	Power to give a notice to leave the premises to the tenant if the lessor, or the lessor's immediate family, needs to occupy the premises.
Lessor	291(1)	Power to give a notice to leave the premises to the tenant if the residential tenancy agreement is a fixed term agreement and the notice relates to the end of the agreement.

### ***Subdivision 3 – Applications for termination by lessor***

<b>Entity power given to</b>	<b>Section of RTRA</b>	<b>Description</b>
Lessor	294(1)	In the specified circumstances, the power to apply to a tribunal for a termination order.
Lessor	295(1)	Power to apply to a tribunal for a termination order because the lessor would suffer excessive hardship, if the agreement were not terminated.
Lessor (but does not include a Community Housing Provider)	296(1)	Power to apply to a tribunal for a termination order because the tenant has intentionally or recklessly caused serious damage to the premises or injury to a specified person.
Lessor / Community Housing Provider	296A(1)	Power to apply to a tribunal for termination for damage or injury in public or community housing in the specified circumstances.
Lessor (but does not include a Community Housing Provider)	297(1)	In the specified circumstances, the power to apply to a tribunal for a termination order for tenant's objectionable behaviour.

Lessor / Community Housing Provider	297A(1)	In the specified circumstances, the power to apply to a tribunal for a termination order for objectionable behaviour in public or community housing.
Lessor	297B(1)	Power to form a belief on reasonable grounds that the tenant, an occupant, a guest of the tenant or a person allowed on the premise by the tenant has: <ul style="list-style-type: none"> <li>(a) used the premises or property adjoining or adjacent to the premises (including any property that is available for use by the tenant in common with others) for an illegal activity; or</li> <li>(b) intentionally or recklessly: <ul style="list-style-type: none"> <li>(i) destroyed or seriously damaged a part of the premises; or</li> <li>(ii) endangered another person in the premises or person occupying, or allowed on, premises nearby; or</li> <li>(iii) interfered significantly with the reasonable peace, comfort or privacy of another tenant or another tenant's appropriate use of the other tenant's property.</li> </ul> </li> </ul>
Lessor	297B(1)	In the specified circumstances, power to apply for a termination order.
Lessor	297B(3)	Power to form a belief on reasonable grounds that premises or property has been used for an illegal activity whether or not anyone has been convicted or found guilty of an offence in relation to the activity.
Lessor	298(2)	Power to apply to a tribunal for a termination order because the lessor and tenant are incompatible in a way that makes it desirable in the interests of both parties for the agreement to end.
Lessor	299(2)	Power to apply to a tribunal for a termination order for repeated breaches by the tenant.
Lessor	300(1)(b)	Power to form a belief on reasonable grounds that a tenant is likely to cause further damage or injury for which a termination order may be sought.
Lessor	300(2)	Power to apply to a tribunal for an order to restrain a tenant from causing further damage or injury.

***Subdivision 2 – Notices of intention to leave premises given by tenant***

Entity power given to	Section of RTRA	Description
Lessor	308H(2)	In the specified circumstances, power to apply to the tribunal for an order settling aside the notice.

**Division 4A – Death of sole tenant**

Entity power given to	Section of RTRA	Description
Lessor	324A(1)(b)	Power to give the tenant's personal representative or relative written notice that the agreement ends because of the tenant's death.

### **Division 5 – Procedural requirements for action taken by lessor or tenant**

<b>Entity power given to</b>	<b>Section of RTRA</b>	<b>Description</b>
Lessor	325(2)(a)	Power to sign a notice to remedy breach.
Lessor	326(1)(b)	Power to sign a notice to leave premises.
Lessor	333(1)	Power to withdraw a notice to leave for an unremedied breach, if the tenant remedies the breach.
Lessor	333(2)(b)	Power to give a written notice of withdrawal to the tenant.
Lessor	335(1)	In the specified circumstances, the power to make an application to the tribunal for a termination order.

### **Division 8 – Abandonment**

<b>Entity power given to</b>	<b>Section of RTRA</b>	<b>Description</b>
Lessor	355(1)	Power to form a belief on reasonable grounds that a tenant has abandoned the premises and to give a notice to the tenant terminating the agreement.
Lessor	357(1)	Power to form a belief on reasonable grounds that the tenant has abandoned premises and to apply to a tribunal for an order under this section.
Lessor	359(1)	In the specified circumstances, the power to apply to a tribunal for an order for compensation.

### **Division 10 – Goods and documents left behind on premises**

<b>Entity power given to</b>	<b>Section of RTRA</b>	<b>Description</b>
Former Lessor	363(2)	In the specified circumstances, the power to sell goods left on premises or to dispose of them and to form a reasonable belief on the grounds set out in that section.
Former Lessor	363(4)	Power to sell goods that are not reclaimed in the circumstances in that subsection.

## **Part 2 – Ending of rooming accommodation agreements**

### **Division 1 – General**

<b>Entity power given to</b>	<b>Section of RTRA</b>	<b>Description</b>
Provider	366(a)	In the specified circumstances, the power to enter into an agreement with the resident to end the rooming accommodation agreement.
Provider	366(b)	Power to give the resident a notice requiring the resident to leave the rental premises.
Provider	366(c)	Power to give a notice under this part terminating the agreement.

## **Division 2 – Action by provider**

### ***Subdivision 1 – Notices to remedy breach given by provider***

<b>Entity power given to</b>	<b>Section of RTRA</b>	<b>Description</b>
Provider	368(1)	Power to form a reasonable belief that a resident has breached a rooming accommodation agreement and that the breach has not been remedied.
Provider	368(2)	Power to give a resident a notice requiring a resident to remedy the breach.
Provider	368(3)(d)	Power to sign a notice.
Provider	368(4)	Power to form a reasonable belief of the steps necessary to remedy a breach or to avoid a further breach of a rooming accommodation agreement.

### ***Subdivision 2 – Notices to leave given by provider***

<b>Entity power given to</b>	<b>Section of RTRA</b>	<b>Description</b>
Provider	369(1)	In the specified circumstances, the power to give a resident a notice requiring the resident to leave the premises.
Provider	369(2)(d)	Power to sign a notice.
Provider	369(5)	Power to withdraw a notice at any time before a resident leaves.
Provider	370(1)	In the specified circumstances, the power to give a resident a written notice requiring the resident to leave the rental premises if the provider reasonably believes the circumstances of that subsection exist.
Provider	370(2)(b)	Power to sign a notice.
Provider	371	Power to give a resident a notice requiring the resident to leave premises in the circumstances prescribed in that subsection.
Provider	371(3)(d)	Power to sign the notice.
Provider	371A(2)	Power to give a resident a notice requiring the resident to leave the rental premises.
Provider	371B(1)	Power to give a resident a notice requiring the resident to leave the rental premises if the provider requires the premises to be vacant for planned demolition or redevelopment.
Provider	371C(1)	In specified circumstances, power to give a resident a notice requiring the resident to leave the premises.
Provider	371D(1)	In the specified circumstances, power to give a resident a notice requiring the resident to leave the rental premises.
Provider	371E(2)	Power to give the resident a notice requiring the resident to leave the rental premises if the resident stops being a student.
Provider	372(2)	Power to give the resident a notice requiring the resident to leave the rental premises at the end of the rooming accommodation agreement.
Provider	374(1)	In the specified circumstances, the power to give a notice to a resident requiring the resident to leave the rental premises.
Provider	374(2)(d)	Power to sign the notice.

Provider	375(2)	In the specified circumstances, the power to use reasonable and necessary force to remove a resident and the resident's property from rental premises.
Provider	375(4)	Power, for the purpose of exercising a power under subsection (2), to enter a resident's room.

## **Division 2 – Action by provider**

### ***Subdivision 3 – Applications for termination by provider***

<b>Entity power given to</b>	<b>Section of RTRA</b>	<b>Description</b>
Provider	376(2)	Power to apply to a tribunal for a termination order.
Provider	377(1)	Power to apply to a tribunal for an order terminating a fixed term agreement on the grounds of excessive hardship if the agreement were not terminated.

## **Division 3 – Action by resident**

### ***Subdivision 2A – Domestic violence***

<b>Entity power given to</b>	<b>Section of RTRA</b>	<b>Description</b>
Provider	381E(3)	Power to give a notice stating the matter the matters in subparagraphs (a) to (c).
Provider	381H(2)	Power to apply to the tribunal for an order setting aside the notice because it does not comply with section 381B.

## **Division 4A – Death of sole resident**

<b>Entity power given to</b>	<b>Section of RTRA</b>	<b>Description</b>
Provider	387A(1)(b)	Power to give the resident's personal representative or relative written notice that the agreement rooming accommodation agreement ends.

## **Division 5 – Procedural requirements and orders of tribunal**

<b>Entity power given to</b>	<b>Section of RTRA</b>	<b>Description</b>
Provider	388(1)	In the specified circumstances, the power to apply to a tribunal for a termination order.
Provider	393(2)	Power to form a reasonable belief that property is perishable or of market value less than the amount prescribed under regulation, or, the storage of goods would be unhealthy or unsafe.
Provider	393(5)	Power to form a reasonable belief that the market value of property is less than the amount prescribed under a regulation and donate the property to a charity instead of selling it under subsection (4)(b).
Provider	395(3)	Power to make an application to the public trustee to pay an amount to the provider from the unclaimed monies fund kept under the <i>Public Trustee Act 1978</i> .

## CHAPTER 6 – DISPUTE RESOLUTION

### Part 1 – Conciliation process for residential tenancy disputes and rooming accommodation disputes

#### Division 3 – Starting the conciliation process

Entity power given to	Section of RTRA	Description
Lessor	402(1)	Power to make a request to the authority to try to resolve a tenancy dispute.
Lessor	402(2)	Power to make a request to the authority to try to resolve a rooming accommodation dispute.

#### Division 4 – Conduct of conciliation process

Entity power given to	Section of RTRA	Description
Parties to Dispute	405(1)	Power to conduct the parties' case on own behalf.
Parties to Dispute	405(2)	In the specified circumstances, the power to represent the party in the conciliation process.
Parties to Dispute	408(2)	Power to agree with another party in dispute to resolve the dispute.

#### Division 5 – Withdrawal of disputes

Entity power given to	Section of RTRA	Description
Party in Dispute	410(1)	Power to give a written notice to an authority withdrawing a dispute resolution request.

### Part 2 - Application to tribunals

#### Division 3 – General powers of tribunals

Entity power given to	Section of RTRA	Description
Person	418(1)	In the specified circumstances, the power to apply to a tribunal for an order.
Lessor / Provider	419(1)	In the specified circumstances, the power to apply to a tribunal for an order it considers appropriate to resolve general disputes between lessors and tenants or providers and residents.
Lessor	419(2)	Power to apply to a tribunal for an order about a breach of agreement
Lessor	424(1)	In the specified circumstances, the power to apply to a tribunal for an order about tenants' notices.
Lessor / Provider	429(1)	In the specified circumstances, the power to apply to the tribunal for an order to resolve a dispute.

## **CHAPTER 8 – CAUSING NUISANCE IN MOVEABLE DWELLING PARKS**

<b>Entity power given to</b>	<b>Section of RTRA</b>	<b>Description</b>
Owner of a moveable dwelling park	455(1)	Power to apply to a tribunal for an order excluding a person from the park because of the person's behaviour in the park.
Owner of a moveable dwelling park	455(3)	In the specified circumstances, the power to give a written notice of application to a person.

## **CHAPTER 13A – MATTERS RELATING TO PARTICULAR LEASES BY THE STATE AND COMMUNITY HOUSING PROVIDERS**

<b>Entity power given to</b>	<b>Section of RTRA</b>	<b>Description</b>
Lessor / Community Housing Provider	527D(1)	In the specified circumstances, the power to give a written notice to a tenant to require the tenant to give a written undertaking.
Lessor / Community Housing Provider	527D(4)	In the specified circumstances, the power to enter into an acceptable behaviour agreement with a tenant.
Lessor / Community Housing Provider	527E(1)	In the specified circumstances, the power to apply to the tribunal for a termination order.

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

1. 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). The delegated power shall be subject to prior Council consultation where the exercise of any delegated power may in all reasonable likelihood:
  - (a) impact on land and/or sea; and/or
  - (b) involve payment of compensation regarding land; and/or
  - (c) require a budget amendment.
2. 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.
3. Unless a higher financial delegation is explicitly provided for in the delegation, any decision of the delegate must be made within the financial delegation of the delegate.
4. Unless explicitly provided for in the delegation, 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.
5. 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.
6. 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.
7. 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).
8. 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.
9. 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.

10. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.
11. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein. 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.

# DELEGABLE POWERS UNDER THE RESIDENTIAL TENANCIES AND ROOMING ACCOMMODATION ACT 2008 ("RTRA")

## CHAPTER 2 – RESIDENTIAL TENANCY AGREEMENTS AND ROOMING ACCOMMODATION AGREEMENTS

### Part 1 – Agreements

#### Division 1 – Residential tenancy agreements

##### *Subdivision 1 – General principles*

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor <sup>2</sup>	62(1)	Power to give a document prepared for section 61 to the tenant for signing on or before the day the tenant occupies the premises under the agreement.				
Lessor	62(3)	Power to sign the document referred to in section 61 and return a copy signed by both parties to the tenant.				This must be done within 14 days from the receipt of the signed documents.
Lessor	64(3)	Power to form the reasonable belief that a tenant has contravened section 62(2) and, in that case, to apply to a tribunal for an order requiring the tenant to sign the relevant document and return it by a stated day.				

<sup>2</sup> A lessor is the person who gives the right to occupy residential premises under a residential tenancy agreement: section 8(1) of the *Residential Tenancies and Rooming Accommodation Act 2008*.

**Subdivision 2 – Associated documents**

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	65(2)	Power to prepare in the approved form, sign and give a copy to the tenant a condition report on or before the day the tenant occupies the premises under the residential tenancy agreement.				
Lessor / Agent	66(2)(a)	Power to sign the copy of the condition report at the end of tenancy.				Must be completed within 3 business days after receiving a copy of the report under section 66(1) from the tenant.
Lessor / Agent	66(3)(b)	Power to, if the lessor or agent does agree with the report, show the parts of the report the lessor or agent disagrees with by marking the copy in an appropriate way.				Must be completed within 3 business days after receiving a copy of the report under section 66(1) from the tenant.
Lessor / Agent	66(3)(c)	Power to, if the tenant has given a forwarding address to the lessor or agent, make a copy of the report and return it to the tenant at the address.				Must be completed within 3 business days after receiving a copy of the report under section 66(1) from the tenant.
Lessor	67(1)	Power to give an information statement in the approved form to the tenant.				
Lessor	68(2)	Power to give a copy of park rules to the tenant and, if a park rule is changed, a copy of the rule as changed.				
Lessor	69	In the specified circumstances, power to give the tenant a copy of relevant by-laws when				

		giving the written agreement to the tenant for signing.				
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## **Division 2 – Rooming accommodation agreements**

### ***Subdivision 1 – General provisions***

<b>Entity power given to</b>	<b>Section of RTRA</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>
Provider	77(4)(h)	Power to sign a rooming accommodation agreement.				
Provider	78(1)	Power to give a document prepared for section 77 to the resident on or before the day the resident occupies the room in rental premises under the agreement.				
Provider	78(2)	Power to, within 3 days after receiving the document signed by the resident, sign the document and return a copy signed by both parties to the resident.				

### ***Subdivision 2 – Associated documents***

<b>Entity power given to</b>	<b>Section of RTRA</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>
Provider	81(1)(b)	Power to prepare in the approved form, sign and give a copy to the resident a condition report on or before the day the resident occupies a room in the rental premises under the rooming accommodation agreement.				

## Part 2 – Rent

### Division 1 – Residential tenancy agreements

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	88(3)	Power to sign a receipt for payment.				
Lessor	88(5)	Power to make a written record of payment and to give a copy of the record to the tenant.				
Lessor	91(2)	Power to give a written notice of proposal to increase rent to the tenant, in the specified way.				
Lessor	97(3)	In the specified circumstances, the power to apply to a tribunal to make an order about the payment of an amount by or to a tenant.				

### Division 2 – Rooming accommodation agreements

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Provider	98(3)(a)	Power to give a written notice to the resident about the approved way to pay rent.				
Provider	98(3)(b)	Power to agree, in writing, with the resident to payments of rent being made in the way stated.				
Provider	99(2)(a)	Power to: (a) give a written notice to the resident that gives the resident a choice of at least two other approved ways for payment of rent under section 98(4)(a) to (f); and				

		(b) advises the resident of the costs associated with the approved way offered in the specified circumstanced.				
Provider	102(3)	Power to sign a receipt of payment.				
Provider	105(2)	Power to give a resident a written notice stating the amount of increased rent and the day by which the rent is payable.				The day for which the increase in rent is payable must be not earlier than the latter of the following: (a) 4 weeks after the notice is given; (b) the end of the minimum period before the rent may be increased under section 105B.
Provider	106(2)	Power to agree with the resident, the rent payable under the agreement decreases by the amount and from the time agreed.				
Provider	106(3)	Power to, if agreement with the tenant can't be reached, apply to a tribunal for an order decreasing the rent, by a stated amount from a stated time.				
Provider	107(2)	Power to agree with the resident to a reduction in rent for the period of the absence.				
Provider	109(3)	Power to apply to a tribunal to make an order about the payment of an amount by or to the resident.				

**Part 3 – Rental bonds**

**Division 2 – Payments to authority**

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person	116(1)(a)	Power to pay the rental bond to the authority.				This payment must be made within 10 days from receiving the rental bond.
Person	116(1)(b)	Power to give the authority a notice, in an approved form, about a rental bond.				This payment must be made within 10 days from receiving the rental bond.
Lessor	117(2)(a)	In the specified circumstances, the power to pay the instalment to authority.				This notice must be given within 10 days from receiving the last instalment.
Lessor	117(2)(b)	In the specified circumstances, the power to give the authority a notice, in the approved form, about the instalments.				This notice must be given within 10 days from receiving the last instalment.
Lessor	117(3)(a)	In the specified circumstances, the power to pay the instalments received by the lessor or agent to the authority.				This notice must be given within 10 days after ending the agreement.
Lessor	117(3)(b)	In the specified circumstances, the power to give the authority a notice, in the approved form, about instalments.				This notice must be given within 10 days after ending the agreement.
Provider	118(2)(a)	In the specified circumstances, the power to pay the instalments to the authority.				This notice must be given within 10 days from receiving the last instalment.

Provider	118(2)(b)	In the specified circumstances, the power to give the authority a notice, in the approved form, about instalments.				This notice must be given within 10 days from receiving the last instalment.
Provider	118(3)(a)	In the specified circumstances, the power to pay to the authority the instalments received by the provider or agent.				This notice must be given within 10 days after ending the agreement.
Provider	118(3)(b)	In the specified circumstances, the power to give the authority a notice, in the approved form, about instalments.				This notice must be given within 10 days after ending the agreement.
Provider	118(4)(a)(i)	In the specified circumstances, the power to pay to the authority the instalments received by the provider or agent.				This payment must be made within the timeframe specified.
Provider	118(4)(a)(ii)	In the specified circumstances, the power to give the authority a notice, in the approved form, about instalments.				This payment must be made within the timeframe specified.
Provider	118(4)(b)(i)	In the specified circumstances, the power to pay the instalment to the authority within 10 days after receiving it.				
Provider	118(4)(b)(ii)	In the specified circumstances, the power to give the authority a notice, in the approved form, about instalments.				

### Division 3 – Payments by authority

#### *Subdivision 4 – General process for payment of rental bond if interested persons for the payment*

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Interested Person	136A(2)	In the specified circumstances, power to make a dispute resolution request to the authority about the payment.				The request must be made within the specified timeframe.
Interested Person	136B(2)	Power to apply to the tribunal for an order about the payment of a rental bond.				The application must be made within the specified timeframe.
Interested Person	136C(2)	In the specified circumstances, power to make a written request to the authority for an extension of the claim period of up to 3 days.				The request must be made within the specified timeframe.

### Division 4 – Enforcement provisions

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person	145(1)	Power to give a receipt for a rental bond.				
Person	145(2)(b)	Power to sign a receipt for a rental bond.				

### Division 6 – Miscellaneous

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor / Provider	154(b)	Power to give a written notice to the tenant or resident to increase a rental bond.				

Lessor / Provider	155(3)	In the specified circumstances, the power to apply to a tribunal to make an order declaring an amount is or is not a rental bond.				The application must be made within the specified timeframe.
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**Part 4 – Key and holding deposits for residential tenancies**

**Division 2 – Holding deposits**

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person	160(1)	Power to give a receipt for a holding deposit.				

**Part 5 – Outgoings of lessor or provider**

**Division 1 – Residential tenancy agreements**

**Subdivision 2 – Service charges**

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	168(3)(a)	Power to agree with the tenant on an amount as reflecting the amount of rent attributable to the service or facility.				
Lessor	168(4)	Power to give the tenant a written statement showing each service or facility for which an amount of rent is attributable and the amount attributed.				

## CHAPTER 3 – RIGHTS AND OBLIGATIONS OF PARTIES FOR RESIDENTIAL TENANCIES

### Part 1A – Pets

#### Division 2 – Keeping pets and other animals at premises

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	184B(1)	Power to approve the keeping of a pet or other animal at the premises.				

### Part 3 – Lessors' right of entry

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	192(1)	In the specified circumstances, the power to enter the premises.				
Lessor	193(1)(a)	In the specified circumstances, the power to give a notice of proposed entry to the tenant.				The notice must be in the approved form and given in the specified timeframe.
Lessor	195(1)(b)	Power to make an agreement with the tenant that the lessor may enter premises on a Sunday or public holiday or on another day after 6.00 pm or before 8.00 am.				
Lessor	195(5)	Power to agree a time for entry of premises under section 192(1)(j) with the tenant.				
Lessor	197(1)(a)	In the specified circumstances, the power to give a notice to leave the premises to the tenant.				

Lessor	198(1)(a)	In the specified circumstances, power to give a tenant a notice of the lessors' intention to sell the premises.				
Lessor	203	Power to obtain the tenants written consent to use a photo or other image of something belonging to the tenant in an advertisement for the premises.				

## Part 5 – The dwelling

### Division 2 – Locks and keys

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	211(1)	In the specific circumstances, power to change the lock at the premises.				
Lessor	211(1)(c)	Power to form a belief on reasonable grounds that it is necessary to change the lock at a premises because of an emergency.				
Lessor	211(3)(c)	Power to enter into an agreement with the tenant under which the tenant or lessor agrees not to be given a key.				

### Division 3 – Damage and repairs

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	216(1)(a)	Power to nominate a person to act for the lessor in arranging for emergency repairs, or emergency repairs of a particular type, to be made of the premises or inclusions.				

Lessor	216(1)(b)	Power to nominate a person to make emergency repairs, or emergency repairs of a particular type, of the premises or inclusions.				
Lessor	216(2)	Power to give a written notice to the tenant of a nominated repairer.				
Lessor	220(2)	In the specified circumstances, the power to apply to a tribunal for an order about the reimbursement or payment for emergency repairs.				
Lessor	221B(1)	Power to apply to the tribunal for an extension of time to comply with a repair order.				

**Part 6 – Additional provisions for moveable dwelling premises**

**Division 2 – Relocation**

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	223	Power to give a notice to the tenant requiring the tenant to relocate to another site in the moveable dwelling park within a stated period.				

**Division 3 – Park rules**

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Park Owner	229(1)(b)	In the specified circumstances, power to give a notice of proposal to each resident and any person who becomes a resident before the				

		objection closing day of a proposed change of a park rule.				
Park Owner	233(2)	Power to apply to a tribunal for an order declaring a proposal about a change of park rule to be reasonable or unreasonable.				

## Part 7 – Change of lessor or tenant

### Division 1 – Transfer or subletting by tenant

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	237(2)	Power to agree with the tenant, in writing, of the transfer or subletting of a tenant's interests under an agreement.				
Lessor	238(2)(a)	Power to agree in writing to the transfer or subletting of a tenant's interests under an agreement.				

### Division 2 – Transfer by lessor

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	242(1)(a)	In the specified circumstances, the power to give a written notice of tenancy to a buyer.				
Lessor	242(1)(b)	In the specified circumstances, the power to give a written notice of transfer to the tenant.				

## CHAPTER 4 – RIGHTS AND OBLIGATIONS OF PARTIES FOR ROOMING ACCOMMODATION

### Part 1 – Rights and obligations generally

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Provider	248(1)	In the specified circumstances, the power to give a written notice to the resident of address for service stating the specified information.				
Provider	248(2)	In the specified circumstances, the power to give a written notice of change to the resident, within 14 days after the change.				
Provider	255(1)	Power to give an agreement to the attaching of a fixture, or making of a structural change, in writing and stating the specified information.				

### Part 2 – Entry to residents' rooms

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Provider	257(1)	Power to agree with the resident for the provider to enter the resident's room for any reason.				
Provider	259(2)	Power to give a written notice of proposed entry to a resident.				This notice must be given at least 24 hours before entry.
Provider	259(4)	Power to give a written notice of proposed entry to the agent to whom the resident normally pays rent.				This notice must be given at least 24 hours before entry.

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**Part 3 – House rules****Division 2 – Rule changes**

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Provider	270(1)	In the specified circumstances, the power to give a written notice to each resident of rule change for rental premises, setting out the specified information.				
Provider	271	In the specified circumstances, the power to give a written notice to a resident to whom a notice under section 270 have been given of a withdrawal of a proposed rule change.				
Provider	272(4)(b)	Power to give a written notice to each resident if the provider receives objections to the proposed rule change, stating the specified information.				
Provider	273(2)	Power to apply to a tribunal for an order declaring a proposed change to be reasonable.				
Provider	273(7)	Power to give a written notice of the decision of the tribunal about a proposed rule change to each resident of the rental premises.				
Provider	274(7)	Power to give a written notice of the decision of a tribunal to each resident of the rental premises about an existing rule.				

## CHAPTER 5 – ENDING OF AGREEMENTS

### Part 1 – Ending of residential tenancy agreements

#### Division 1 – General

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	277(a)	Power to agree, in a separate written agreement, to end the residential tenancy agreement with the tenant.				

#### Division 2 – Action by lessor

##### *Subdivision 1 – Notices to remedy breach given by lessor*

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	280(1)	Power to form a belief on reasonable grounds that: (a) the rent payable under an agreement has remained unpaid in breach of the agreement for at least 7 days; or (b) the tenant has breached another term of the agreement and the breach has not been remedied.				
Lessor	280(2)	Power to give a notice to the tenant requiring the tenant remedy the breach within the allowed remedy period.				

***Subdivision 2 – Notices to leave premises given by lessor***

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	281(1)	Power to give a notice to leave the premises because the tenant has failed to comply with a notice to remedy breach, within the allowed remedy period.				
Lessor	282(1)	Power to give a notice to leave the premises to the tenant because the tenant has failed to comply with an order of a tribunal.				
Lessor	283(2)	Power to give a notice to leave to the tenant because the tenant has failed to comply within the required period, with a notice to relocate.				
Lessor	284(1)	Power to give a notice to leave to the tenant because the premises have been destroyed or otherwise in the specified circumstances				
Lessor	285(2)	Power to give a notice to leave to the tenant because the park has become an unfit place in which to live in a moveable dwelling.				
Lessor	286(1)	Power to give a notice to a tenant to leave the premises because: (a) the lessor is preparing to sell the premises and the preparation requires the premises to be vacant; or (b) the lessor has entered into a contract to sell the premises with vacant possession.				
Lessor	287(2)	Power to give a notice to leave the premises to the tenant because the park premises is to change use other than as a moveable				

		dwelling park, or otherwise the park is to be closed.				
Lessor	288(1)	In the specified circumstances, the power to give a notice to a tenant if the tenant's employment ends or entitlement to occupy under employment ends.				
Lessor	289(2)	Power to give a notice to leave to the premises if the tenant's entitlement to supported accommodation ends.				
Lessor / Community Housing Provider	290A(1)	Power to give a notice to leave the premises to the tenant because of a serious breach or otherwise in the specified circumstances.				
Lessor	290B(1)	Power to give a notice to leave the premises to the tenant if the premises are required for use under a program administered by the State under an Act.				
Lessor	290C(1)	Power to give a notice to leave the premises to the tenant if the lessor requires the premise to be vacant for a planned demolition or redevelopment.				
Lessor	290D(1)	Power to give a notice to leave the premises to the tenant if: <ul style="list-style-type: none"> <li>(a) the premises requires significant repairs or the lessor intends to carry out significant renovations to the premises; and</li> <li>(b) the repairs or renovations cannot be safely carried out while the tenant occupies the premise.</li> </ul>				
Lessor	290E(1)	Power to give a notice to leave the premises to the tenant if: <ul style="list-style-type: none"> <li>(a) the lessor requires the premises for a use other than residential tenancy; or</li> </ul>				

		(b) the lessor will require the premises for the other use for a period of at least 6 months.				
Lessor	290F(2)	Power to give a notice of leave the premises to the tenant if the tenant stops being a student.				
Lessor	290(G)(1)	Power to give a notice to leave the premises to the tenant if the lessor, or the lessor's immediate family, needs to occupy the premises.				
Lessor	291(1)	Power to give a notice to leave the premises to the tenant if the residential tenancy agreement is a fixed term agreement and the notice relates to the end of the agreement.				

***Subdivision 3 – Applications for termination by lessor***

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	294(1)	In the specified circumstances, the power to apply to a tribunal for a termination order.				
Lessor	295(1)	Power to apply to a tribunal for a termination order because the lessor would suffer excessive hardship, if the agreement were not terminated.				
Lessor (but does not include a Community Housing Provider)	296(1)	Power to apply to a tribunal for a termination order because the tenant has intentionally or recklessly caused serious damage to the premises or injury to a specified person.				

Lessor / Community Housing Provider	296A(1)	Power to apply to a tribunal for termination for damage or injury in public or community housing in the specified circumstances.				
Lessor (but does not include a Community Housing Provider)	297(1)	In the specified circumstances, the power to apply to a tribunal for a termination order for tenant's objectionable behaviour.				
Lessor / Community Housing Provider	297A(1)	In the specified circumstances, the power to apply to a tribunal for a termination order for objectionable behaviour in public or community housing.				
Lessor	297B(1)	<p>Power to form a belief on reasonable grounds that the tenant, an occupant, a guest of the tenant or a personal allowed on the premise by the tenant has:</p> <ul style="list-style-type: none"> <li>(a) used the premises or property adjoining or adjacent to the premises (including any property that is available for use by the tenant in comment with others) for an illegal activity; or</li> <li>(b) intentionally or recklessly: <ul style="list-style-type: none"> <li>(i) destroyed or seriously damaged a part of the premises; or</li> <li>(ii) endangered another person in the premises or person occupying, or allowed on, premises nearby; or</li> <li>(iii) interfered significantly with the reasonable peace, comfort or privacy of another tenant or another tenant's</li> </ul> </li> </ul>				

		appropriate use of the other tenant's property.				
Lessor	297B(1)	In the specified circumstances, power to apply for a termination order.				
Lessor	297B(3)	Power to form a belief on reasonable grounds that premises or property has been used for an illegal activity whether or not anyone has been convicted or found guilty of an offence in relation to the activity.				
Lessor	298(2)	Power to apply to a tribunal for a termination order because the lessor and tenant are incompatible in a way that makes it desirable in the interests of both parties for the agreement to end.				
Lessor	299(2)	Power to apply to a tribunal for a termination order for repeated breaches by the tenant.				
Lessor	300(1)(b)	Power to form a belief on reasonable grounds that a tenant is likely to cause further damage or injury for which a termination order may be sought.				
Lessor	300(2)	Power to apply to a tribunal for an order to restrain a tenant from causing further damage or injury.				

***Subdivision 2 – Notices of intention to leave premises given by tenant***

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	308H(2)	In the specified circumstances, power to apply to the tribunal for an order settling aside the notice.				

#### Division 4A – Death of sole tenant

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	324A(1)(b)	Power to give the tenant's personal representative or relative written notice that the agreement ends because of the tenant's death.				

#### Division 5 – Procedural requirements for action taken by lessor or tenant

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	325(2)(a)	Power to sign a notice to remedy breach.				
Lessor	326(1)(b)	Power to sign a notice to leave premises.				
Lessor	333(1)	Power to withdraw a notice to leave for an unremedied breach, if the tenant remedies the breach.				
Lessor	333(2)(b)	Power to give a written notice of withdrawal to the tenant.				
Lessor	335(1)	In the specified circumstances, the power to make an application to the tribunal for a termination order.				

#### Division 8 – Abandonment

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	355(1)	Power to form a belief on reasonable grounds that a tenant has abandoned the				

		premises and to give a notice to the tenant terminating the agreement.				
Lessor	357(1)	Power to form a belief on reasonable grounds that the tenant has abandoned premises and to apply to a tribunal for an order under this section.				
Lessor	359(1)	In the specified circumstances, the power to apply to a tribunal for an order for compensation.				

### **Division 10 – Goods and documents left behind on premises**

<b>Entity power given to</b>	<b>Section of RTRA</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>
Former Lessor	363(2)	In the specified circumstances, the power to sell goods left on premises or to dispose of them and to form a reasonable belief on the grounds set out in that section.				
Former Lessor	363(4)	Power to sell goods that are not reclaimed in the circumstances in that subsection.				

## **Part 2 – Ending of rooming accommodation agreements**

### **Division 1 – General**

<b>Entity power given to</b>	<b>Section of RTRA</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>
Provider	366(a)	In the specified circumstances, the power to enter into an agreement with the resident to end the rooming accommodation agreement.				
Provider	366(b)	Power to give the resident a notice requiring the resident to leave the rental premises.				

Provider	366(c)	Power to give a notice under this part terminating the agreement.				
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## **Division 2 – Action by provider**

### ***Subdivision 1 – Notices to remedy breach given by provider***

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Provider	368(1)	Power to form a reasonable belief that a resident has breached a rooming accommodation agreement and that the breach has not been remedied.				
Provider	368(2)	Power to give a resident a notice requiring a resident to remedy the breach.				
Provider	368(3)(d)	Power to sign a notice.				
Provider	368(4)	Power to form a reasonable belief of the steps necessary to remedy a breach or to avoid a further breach of a rooming accommodation agreement.				

### ***Subdivision 2 – Notices to leave given by provider***

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Provider	369(1)	In the specified circumstances, the power to give a resident a notice requiring the resident to leave the premises.				
Provider	369(2)(d)	Power to sign a notice.				

Provider	369(5)	Power to withdraw a notice at any time before a resident leaves.				
Provider	370(1)	In the specified circumstances, the power to give a resident a written notice requiring the resident to leave the rental premises if the provider reasonably believes the circumstances of that subsection exist.				
Provider	370(2)(b)	Power to sign a notice.				
Provider	371	Power to give a resident a notice requiring the resident to leave premises in the circumstances prescribed in that subsection.				
Provider	371(3)(d)	Power to sign the notice.				
Provider	371A(2)	Power to give a resident a notice requiring the resident to leave the rental premises.				
Provider	371B(1)	Power to give a resident a notice requiring the resident to leave the rental premises if the provider requires the premises to be vacant for planned demolition or redevelopment.				
Provider	371C(1)	In specified circumstances, power to give a resident a notice requiring the resident to leave the premises.				
Provider	371D(1)	In the specified circumstances, power to give a resident a notice requiring the resident to leave the rental premises.				
Provider	371E(2)	Power to give the resident a notice requiring the resident to leave the rental premises if the resident stops being a student.				
Provider	372(2)	Power to give the resident a notice requiring the resident to leave the rental premises at the end of the rooming accommodation agreement.				

Provider	374(1)	In the specified circumstances, the power to give a notice to a resident requiring the resident to leave the rental premises.				
Provider	374(2)(d)	Power to sign the notice.				
Provider	375(2)	In the specified circumstances, the power to use reasonable and necessary force to remove a resident and the resident's property from rental premises.				
Provider	375(4)	Power, for the purpose of exercising a power under subsection (2), to enter a resident's room.				

## **Division 2 – Action by provider**

### ***Subdivision 3 – Applications for termination by provider***

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Provider	376(2)	Power to apply to a tribunal for a termination order.				
Provider	377(1)	Power to apply to a tribunal for an order terminating a fixed term agreement on the grounds of excessive hardship if the agreement were not terminated.				

## **Division 3 – Action by resident**

### ***Subdivision 2A – Domestic violence***

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Provider	381E(3)	Power to give a notice stating the matter the matters in sub-paragraphs (a) to (c).				

Provider	381H(2)	Power to apply to the tribunal for an order setting aside the notice because it does not comply with section 381B.				
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#### Division 4A – Death of sole resident

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Provider	387A(1)(b)	Power to give the resident's personal representative or relative written notice that the agreement rooming accommodation agreement ends.				

#### Division 5 – Procedural requirements and orders of tribunal

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Provider	388(1)	In the specified circumstances, the power to apply to a tribunal for a termination order.				
Provider	393(2)	Power to form a reasonable belief that property is perishable or of market value less than the amount prescribed under regulation, or, the storage of goods would be unhealthy or unsafe.				
Provider	393(5)	Power to form a reasonable belief that the market value of property is less than the amount prescribed under a regulation and donate the property to a charity instead of selling it under subsection (4)(b).				
Provider	395(3)	Power to make an application to the public trustee to pay an amount to the provider				

		from the unclaimed monies fund kept under the <i>Public Trustee Act 1978</i> .				
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## CHAPTER 6 – DISPUTE RESOLUTION

### Part 1 – Conciliation process for residential tenancy disputes and rooming accommodation disputes

#### Division 3 – Starting the conciliation process

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	402(1)	Power to make a request to the authority to try to resolve a tenancy dispute.				
Lessor	402(2)	Power to make a request to the authority to try to resolve a rooming accommodation dispute.				

#### Division 4 – Conduct of conciliation process

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Parties to Dispute	405(1)	Power to conduct the parties' case on own behalf.				
Parties to Dispute	405(2)	In the specified circumstances, the power to represent the party in the conciliation process.				
Parties to Dispute	408(2)	Power to agree with another party in dispute to resolve the dispute.				

### Division 5 – Withdrawal of disputes

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Party in Dispute	410(1)	Power to give a written notice to an authority withdrawing a dispute resolution request.				

## Part 2 - Application to tribunals

### Division 3 – General powers of tribunals

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person	418(1)	In the specified circumstances, the power to apply to a tribunal for an order.				
Lessor / Provider	419(1)	In the specified circumstances, the power to apply to a tribunal for an order it considers appropriate to resolve general disputes between lessors and tenants or providers and residents.				
Lessor	419(2)	Power to apply to a tribunal for an order about a breach of agreement				
Lessor	424(1)	In the specified circumstances, the power to apply to a tribunal for an order about tenants' notices.				
Lessor / Provider	429(1)	In the specified circumstances, the power to apply to the tribunal for an order to resolve a dispute.				

## CHAPTER 8 – CAUSING NUISANCE IN MOVEABLE DWELLING PARKS

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Owner of a moveable dwelling park	455(1)	Power to apply to a tribunal for an order excluding a person from the park because of the person's behaviour in the park.				
Owner of a moveable dwelling park	455(3)	In the specified circumstances, the power to give a written notice of application to a person.				

## CHAPTER 13A – MATTERS RELATING TO PARTICULAR LEASES BY THE STATE AND COMMUNITY HOUSING PROVIDERS

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor / Community Housing Provider	527D(1)	In the specified circumstances, the power to give a written notice to a tenant to require the tenant to give a written undertaking.				
Lessor / Community Housing Provider	527D(4)	In the specified circumstances, the power to enter into an acceptable behaviour agreement with a tenant.				
Lessor / Community Housing Provider	527E(1)	In the specified circumstances, the power to apply to the tribunal for a termination order.				

[2023 07 01 - RTRA - Delegation Table]

## INSTRUMENT OF SUB-DELEGATION

**Torres Strait Island Regional Council**  
***Residential Tenancies and Rooming Accommodation Act 2008 ("RTRA")***

Under section 259 of the *Local Government Act 2009*, I, **James William**, 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                      2023.

**James William**  
Chief Executive Officer  
**Torres Strait Island Regional Council**

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

## POWERS SUB-DELEGATED

### *Residential Tenancies and Rooming Accommodation Act 2008 ("RTRA")*

#### CHAPTER 2 – RESIDENTIAL TENANCY AGREEMENTS AND ROOMING ACCOMMODATION AGREEMENTS

##### Part 1 –

##### Agreements

##### Division 1 – Residential tenancy agreements

##### *Subdivision 1 – General principles*

Entity power given to	Section of RTRA	Description
Lessor <sup>3</sup>	62(1)	Power to give a document prepared for section 61 to the tenant for signing on or before the day the tenant occupies the premises under the agreement.
Lessor	62(3)	Power to sign the document referred to in section 61 and return a copy signed by both parties to the tenant.
Lessor	64(3)	Power to form the reasonable belief that a tenant has contravened section 62(2) and, in that case, to apply to a tribunal for an order requiring the tenant to sign the relevant document and return it by a stated day.

##### *Subdivision 2 – Associated documents*

Entity power given to	Section of RTRA	Description
Lessor	65(2)	Power to prepare in the approved form, sign and give a copy to the tenant a condition report on or before the day the tenant occupies the premises under the residential tenancy agreement.
Lessor / Agent	66(2)(a)	Power to sign the copy of the condition report at the end of tenancy.
Lessor / Agent	66(3)(b)	Power to, if the lessor or agent does agree with the report, show the parts of the report the lessor or agent disagrees with by marking the copy in an appropriate way.
Lessor / Agent	66(3)(c)	Power to, if the tenant has given a forwarding address to the lessor or agent, make a copy of the report and return it to the tenant at the address.
Lessor	67(1)	Power to give an information statement in the approved form to the tenant.
Lessor	68(2)	Power to give a copy of park rules to the tenant and, if a park rule is changed, a copy of the rule as changed.

<sup>3</sup> A lessor is the person who gives the right to occupy residential premises under a residential tenancy agreement: section 8(1) of the *Residential Tenancies and Rooming Accommodation Act 2008*.

Lessor	69	In the specified circumstances, power to give the tenant a copy of relevant by-laws when giving the written agreement to the tenant for signing.
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## Division 2 – Rooming accommodation agreements

### Subdivision 1 – General provisions

Entity power given to	Section of RTRA	Description
Provider	77(4)(h)	Power to sign a rooming accommodation agreement.
Provider	78(1)	Power to give a document prepared for section 77 to the resident on or before the day the resident occupies the room in rental premises under the agreement.
Provider	78(2)	Power to, within 3 days after receiving the document signed by the resident, sign the document and return a copy signed by both parties to the resident.

### Subdivision 2 – Associated documents

Entity power given to	Section of RTRA	Description
Provider	81(1)(b)	Power to prepare in the approved form, sign and give a copy to the resident a condition report on or before the day the resident occupies a room in the rental premises under the rooming accommodation agreement.

## Part 2 – Rent

### Division 1 – Residential tenancy agreements

Entity power given to	Section of RTRA	Description
Lessor	88(3)	Power to sign a receipt for payment.
Lessor	88(5)	Power to make a written record of payment and to give a copy of the record to the tenant.
Lessor	91(2)	Power to give a written notice of proposal to increase rent to the tenant, in the specified way.
Lessor	97(3)	In the specified circumstances, the power to apply to a tribunal to make an order about the payment of an amount by or to a tenant.

### Division 2 – Rooming accommodation agreements

Entity power given to	Section of RTRA	Description
Provider	98(3)(a)	Power to give a written notice to the resident about the approved way to pay rent.
Provider	98(3)(b)	Power to agree, in writing, with the resident to payments of rent being made in the way stated.
Provider	99(2)(a)	Power to:

		(a) give a written notice to the resident that gives the resident a choice of at least two other approved ways for payment of rent under section 98(4)(a) to (f); and (b) advises the resident of the costs associated with the approved way offered in the specified circumstances.
Provider	102(3)	Power to sign a receipt of payment.
Provider	105(2)	Power to give a resident a written notice stating the amount of increased rent and the day by which the rent is payable.
Provider	106(2)	Power to agree with the resident, the rent payable under the agreement decreases by the amount and from the time agreed.
Provider	106(3)	Power to, if agreement with the tenant can't be reached, apply to a tribunal for an order decreasing the rent, by a stated amount from a stated time.
Provider	107(2)	Power to agree with the resident to a reduction in rent for the period of the absence.
Provider	109(3)	Power to apply to a tribunal to make an order about the payment of an amount by or to the resident.

### Part 3 –

### Rental bonds

#### Division 2 – Payments to authority

Entity power given to	Section of RTRA	Description
Person	116(1)(a)	Power to pay the rental bond to the authority.
Person	116(1)(b)	Power to give the authority a notice, in an approved form, about a rental bond.
Lessor	117(2)(a)	In the specified circumstances, the power to pay the instalment to authority.
Lessor	117(2)(b)	In the specified circumstances, the power to give the authority a notice, in the approved form, about the instalments.
Lessor	117(3)(a)	In the specified circumstances, the power to pay the instalments received by the lessor or agent to the authority.
Lessor	117(3)(b)	In the specified circumstances, the power to give the authority a notice, in the approved form, about instalments.
Provider	118(2)(a)	In the specified circumstances, the power to pay the instalments to the authority.
Provider	118(2)(b)	In the specified circumstances, the power to give the authority a notice, in the approved form, about instalments.
Provider	118(3)(a)	In the specified circumstances, the power to pay to the authority the instalments received by the provider or agent.
Provider	118(3)(b)	In the specified circumstances, the power to give the authority a notice, in the approved form, about instalments.
Provider	118(4)(a)(i)	In the specified circumstances, the power to pay to the authority the instalments received by the provider or agent.
Provider	118(4)(a)(ii)	In the specified circumstances, the power to give the authority a notice, in the approved form, about instalments.
Provider	118(4)(b)(i)	In the specified circumstances, the power to pay the instalment to the authority within 10 days after receiving it.

Provider	118(4)(b) (ii)	In the specified circumstances, the power to give the authority a notice, in the approved form, about instalments.
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### **Division 3 – Payments by authority**

#### ***Subdivision 4 – General process for payment of rental bond if interested persons for the payment***

<b>Entity power given to</b>	<b>Section of RTRA</b>	<b>Description</b>
Interested Person	136A(2)	In the specified circumstances, power to make a dispute resolution request to the authority about the payment.
Interested Person	136B(2)	Power to apply to the tribunal for an order about the payment of a rental bond.
Interested Person	136C(2)	In the specified circumstances, power to make a written request to the authority for an extension of the claim period of up to 3 days.

### **Division 4 – Enforcement provisions**

<b>Entity power given to</b>	<b>Section of RTRA</b>	<b>Description</b>
Person	145(1)	Power to give a receipt for a rental bond.
Person	145(2)(b)	Power to sign a receipt for a rental bond.

### **Division 6 – Miscellaneous**

<b>Entity power given to</b>	<b>Section of RTRA</b>	<b>Description</b>
Lessor / Provider	154(b)	Power to give a written notice to the tenant or resident to increase a rental bond.
Lessor / Provider	155(3)	In the specified circumstances, the power to apply to a tribunal to make an order declaring an amount is or is not a rental bond.

## **Part 4 – Key and holding deposits for residential tenancies**

### **Division 2 – Holding deposits**

<b>Entity power given to</b>	<b>Section of RTRA</b>	<b>Description</b>
Person	160(1)	Power to give a receipt for a holding deposit.

## **Part 5 – Outgoings of lessor or provider**

### **Division 1 – Residential tenancy agreements**

#### ***Subdivision 2 – Service charges***

<b>Entity power given to</b>	<b>Section of RTRA</b>	<b>Description</b>
Lessor	168(3)(a)	Power to agree with the tenant on an amount as reflecting the amount of rent attributable to the service or facility.

Lessor	168(4)	Power to give the tenant a written statement showing each service or facility for which an amount of rent is attributable and the amount attributed.
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## CHAPTER 3 – RIGHTS AND OBLIGATIONS OF PARTIES FOR RESIDENTIAL TENANCIES

### Part 1A – Pets

#### Division 2 – Keeping pets and other animals at premises

Entity power given to	Section of RTRA	Description
Lessor	184B(1)	Power to approve the keeping or a pet or other animal at the premises.

### Part 3 – Lessors' right of entry

Entity power given to	Section of RTRA	Description
Lessor	192(1)	In the specified circumstances, the power to enter the premises.
Lessor	193(1)(a)	In the specified circumstances, the power to give a notice of proposed entry to the tenant.
Lessor	195(1)(b)	Power to make an agreement with the tenant that the lessor may enter premises on a Sunday or public holiday or on another day after 6.00 pm or before 8.00 am.
Lessor	195(5)	Power to agree a time for entry of premises under section 192(1)(j) with the tenant.
Lessor	197(1)(a)	In the specified circumstances, the power to give a notice to leave the premises to the tenant.
Lessor	198(1)(a)	In the specified circumstances, power to give a tenant a notice of the lessors' intention to sell the premises.
Lessor	203	Power to obtain the tenants written consent to use a photo or other image of something belonging to the tenant in an advertisement for the premises.

### Part 5 – The dwelling

#### Division 2 – Locks and keys

Entity power given to	Section of RTRA	Description
Lessor	211(1)	In the specific circumstances, power to change the lock at the premises.
Lessor	211(1)(c)	Power to form a belief on reasonable grounds that it is necessary to change the lock at a premises because of an emergency.
Lessor	211(3)(c)	Power to enter into an agreement with the tenant under which the tenant or lessor agrees not to be given a key.

### Division 3 – Damage and repairs

Entity power given to	Section of RTRA	Description
Lessor	216(1)(a)	Power to nominate a person to act for the lessor in arranging for emergency repairs, or emergency repairs of a particular type, to be made of the premises or inclusions.
Lessor	216(1)(b)	Power to nominate a person to make emergency repairs, or emergency repairs of a particular type, of the premises or inclusions.
Lessor	216(2)	Power to give a written notice to the tenant of a nominated repairer.
Lessor	220(2)	In the specified circumstances, the power to apply to a tribunal for an order about the reimbursement or payment for emergency repairs.
Lessor	221B(1)	Power to apply to the tribunal for an extension of time to comply with a repair order.

## Part 6 – Additional provisions for moveable dwelling premises

### Division 2 – Relocation

Entity power given to	Section of RTRA	Description
Lessor	223	Power to give a notice to the tenant requiring the tenant to relocate to another site in the moveable dwelling park within a stated period.

### Division 3 – Park rules

Entity power given to	Section of RTRA	Description
Park Owner	229(1)(b)	In the specified circumstances, power to give a notice of proposal to each resident and any person who becomes a resident before the objection closing day of a proposed change of a park rule.
Park Owner	233(2)	Power to apply to a tribunal for an order declaring a proposal about a change of park rule to be reasonable or unreasonable.

## Part 7 – Change of lessor or tenant

### Division 1 – Transfer or subletting by tenant

Entity power given to	Section of RTRA	Description
Lessor	237(2)	Power to agree with the tenant, in writing, of the transfer or subletting of a tenant's interests under an agreement.
Lessor	238(2)(a)	Power to agree in writing to the transfer or subletting of a tenant's interests under an agreement.

### Division 2 – Transfer by lessor

Entity power given to	Section of RTRA	Description
Lessor	242(1)(a)	In the specified circumstances, the power to give a written notice of tenancy to a buyer.
Lessor	242(1)(b)	In the specified circumstances, the power to give a written notice of transfer to the tenant.

## CHAPTER 4 – RIGHTS AND OBLIGATIONS OF PARTIES FOR ROOMING ACCOMMODATION

### Part 1 – Rights and obligations generally

Entity power given to	Section of RTRA	Description
Provider	248(1)	In the specified circumstances, the power to give a written notice to the resident of address for service stating the specified information.
Provider	248(2)	In the specified circumstances, the power to give a written notice of change to the resident, within 14 days after the change.
Provider	255(1)	Power to give an agreement to the attaching of a fixture, or making of a structural change, in writing and stating the specified information.

### Part 2 – Entry to residents' rooms

Entity power given to	Section of RTRA	Description
Provider	257(1)	Power to agree with the resident for the provider to enter the resident's room for any reason.
Provider	259(2)	Power to give a written notice of proposed entry to a resident.
Provider	259(4)	Power to give a written notice of proposed entry to the agent to whom the resident normally pays rent.

### Part 3 – House rules

#### Division 2 – Rule changes

Entity power given to	Section of RTRA	Description
Provider	270(1)	In the specified circumstances, the power to give a written notice to each resident of rule change for rental premises, setting out the specified information.
Provider	271	In the specified circumstances, the power to give a written notice to a resident to whom a notice under section 270 have been given of a withdrawal of a proposed rule change.
Provider	272(4)(b)	Power to give a written notice to each resident if the provider receives objections to the proposed rule change, stating the specified information.

Provider	273(2)	Power to apply to a tribunal for an order declaring a proposed change to be reasonable.
Provider	273(7)	Power to give a written notice of the decision of the tribunal about a proposed rule change to each resident of the rental premises.
Provider	274(7)	Power to give a written notice of the decision of a tribunal to each resident of the rental premises about an existing rule.

## CHAPTER 5 – ENDING OF AGREEMENTS

### Part 1 – Ending of residential tenancy agreements

#### Division 1 – General

Entity power given to	Section of RTRA	Description
Lessor	277(a)	Power to agree, in a separate written agreement, to end the residential tenancy agreement with the tenant.

#### Division 2 – Action by lessor

##### *Subdivision 1 – Notices to remedy breach given by lessor*

Entity power given to	Section of RTRA	Description
Lessor	280(1)	Power to form a belief on reasonable grounds that: <ul style="list-style-type: none"> <li>(a) the rent payable under an agreement has remained unpaid in breach of the agreement for at least 7 days; or</li> <li>(b) the tenant has breached another term of the agreement and the breach has not been remedied.</li> </ul>
Lessor	280(2)	Power to give a notice to the tenant requiring the tenant remedy the breach within the allowed remedy period.

##### *Subdivision 2 – Notices to leave premises given by lessor*

Entity power given to	Section of RTRA	Description
Lessor	281(1)	Power to give a notice to leave the premises because the tenant has failed to comply with a notice to remedy breach, within the allowed remedy period.
Lessor	282(1)	Power to give a notice to leave the premises to the tenant because the tenant has failed to comply with an order of a tribunal.
Lessor	283(2)	Power to give a notice to leave to the tenant because the tenant has failed to comply within the required period, with a notice to relocate.
Lessor	284(1)	Power to give a notice to leave to the tenant because the premises have been destroyed or otherwise in the specified circumstances
Lessor	285(2)	Power to give a notice to leave to the tenant because the park has become an unfit place in which to live in a moveable dwelling.

Lessor	286(1)	Power to give a notice to a tenant to leave the premises because: (a) the lessor is preparing to sell the premises and the preparation requires the premises to be vacant; or (b) the lessor has entered into a contract to sell the premises with vacant possession.
Lessor	287(2)	Power to give a notice to leave the premises to the tenant because the park premises is to change use other than as a moveable dwelling park, or otherwise the park is to be closed.
Lessor	288(1)	In the specified circumstances, the power to give a notice to a tenant if the tenant's employment ends or entitlement to occupy under employment ends.
Lessor	289(2)	Power to give a notice to leave to the premises if the tenant's entitlement to supported accommodation ends.
Lessor / Community Housing Provider	290A(1)	Power to give a notice to leave the premises to the tenant because of a serious breach or otherwise in the specified circumstances.
Lessor	290B(1)	Power to give a notice to leave the premises to the tenant if the premises are required for use under a program administered by the State under an Act.
Lessor	290C(1)	Power to give a notice to leave the premises to the tenant if the lessor requires the premise to be vacant for a planned demolition or redevelopment.
Lessor	290D(1)	Power to give a notice to leave the premises to the tenant if: (a) the premises requires significant repairs or the lessor intends to carry out significant renovations to the premises; and (b) the repairs or renovations cannot be safely carried out while the tenant occupies the premise.
Lessor	290E(1)	Power to give a notice to leave the premises to the tenant if: (a) the lessor requires the premises for a use other than residential tenancy; or (b) the lessor will require the premises for the other use for a period of at least 6 months.
Lessor	290F(2)	Power to give a notice of leave the premises to the tenant if the tenant stops being a student.
Lessor	290(G)(1)	Power to give a notice to leave the premises to the tenant if the lessor, or the lessor's immediate family, needs to occupy the premises.
Lessor	291(1)	Power to give a notice to leave the premises to the tenant if the residential tenancy agreement is a fixed term agreement and the notice relates to the end of the agreement.

### ***Subdivision 3 – Applications for termination by lessor***

<b>Entity power given to</b>	<b>Section of RTRA</b>	<b>Description</b>
Lessor	294(1)	In the specified circumstances, the power to apply to a tribunal for a termination order.
Lessor	295(1)	Power to apply to a tribunal for a termination order because the lessor would suffer excessive hardship, if the agreement were not terminated.

Lessor (but does not include a Community Housing Provider)	296(1)	Power to apply to a tribunal for a termination order because the tenant has intentionally or recklessly caused serious damage to the premises or injury to a specified person.
Lessor / Community Housing Provider	296A(1)	Power to apply to a tribunal for termination for damage or injury in public or community housing in the specified circumstances.
Lessor (but does not include a Community Housing Provider)	297(1)	In the specified circumstances, the power to apply to a tribunal for a termination order for tenant's objectionable behaviour.
Lessor / Community Housing Provider	297A(1)	In the specified circumstances, the power to apply to a tribunal for a termination order for objectionable behaviour in public or community housing.
Lessor	297B(1)	Power to form a belief on reasonable grounds that the tenant, an occupant, a guest of the tenant or a person allowed on the premise by the tenant has: <ul style="list-style-type: none"> <li>(a) used the premises or property adjoining or adjacent to the premises (including any property that is available for use by the tenant in common with others) for an illegal activity; or</li> <li>(b) intentionally or recklessly: <ul style="list-style-type: none"> <li>(i) destroyed or seriously damaged a part of the premises; or</li> <li>(ii) endangered another person in the premises or person occupying, or allowed on, premises nearby; or</li> <li>(iii) interfered significantly with the reasonable peace, comfort or privacy of another tenant or another tenant's appropriate use of the other tenant's property.</li> </ul> </li> </ul>
Lessor	297B(1)	In the specified circumstances, power to apply for a termination order.
Lessor	297B(3)	Power to form a belief on reasonable grounds that premises or property has been used for an illegal activity whether or not anyone has been convicted or found guilty of an offence in relation to the activity.
Lessor	298(2)	Power to apply to a tribunal for a termination order because the lessor and tenant are incompatible in a way that makes it desirable in the interests of both parties for the agreement to end.
Lessor	299(2)	Power to apply to a tribunal for a termination order for repeated breaches by the tenant.
Lessor	300(1)(b)	Power to form a belief on reasonable grounds that a tenant is likely to cause further damage or injury for which a termination order may be sought.
Lessor	300(2)	Power to apply to a tribunal for an order to restrain a tenant from causing further damage or injury.

***Subdivision 2 – Notices of intention to leave premises given by tenant***

Entity power given to	Section of RTRA	Description
Lessor	308H(2)	In the specified circumstances, power to apply to the tribunal for an order settling aside the notice.

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**Division 4A – Death of sole tenant**

Entity power given to	Section of RTRA	Description
Lessor	324A(1)(b)	Power to give the tenant's personal representative or relative written notice that the agreement ends because of the tenant's death.

**Division 5 – Procedural requirements for action taken by lessor or tenant**

Entity power given to	Section of RTRA	Description
Lessor	325(2)(a)	Power to sign a notice to remedy breach.
Lessor	326(1)(b)	Power to sign a notice to leave premises.
Lessor	333(1)	Power to withdraw a notice to leave for an unremedied breach, if the tenant remedies the breach.
Lessor	333(2)(b)	Power to give a written notice of withdrawal to the tenant.
Lessor	335(1)	In the specified circumstances, the power to make an application to the tribunal for a termination order.

**Division 8 – Abandonment**

Entity power given to	Section of RTRA	Description
Lessor	355(1)	Power to form a belief on reasonable grounds that a tenant has abandoned the premises and to give a notice to the tenant terminating the agreement.
Lessor	357(1)	Power to form a belief on reasonable grounds that the tenant has abandoned premises and to apply to a tribunal for an order under this section.
Lessor	359(1)	In the specified circumstances, the power to apply to a tribunal for an order for compensation.

**Division 10 – Goods and documents left behind on premises**

Entity power given to	Section of RTRA	Description
Former Lessor	363(2)	In the specified circumstances, the power to sell goods left on premises or to dispose of them and to form a reasonable belief on the grounds set out in that section.
Former Lessor	363(4)	Power to sell goods that are not reclaimed in the circumstances in that subsection.

**Part 2 –****Ending of rooming accommodation agreements****Division 1 – General**

Entity power given to	Section of RTRA	Description
Provider	366(a)	In the specified circumstances, the power to enter into an agreement with the resident to end the rooming accommodation agreement.
Provider	366(b)	Power to give the resident a notice requiring the resident to leave the rental premises.
Provider	366(c)	Power to give a notice under this part terminating the agreement.

**Division 2 – Action by provider*****Subdivision 1 – Notices to remedy breach given by provider***

Entity power given to	Section of RTRA	Description
Provider	368(1)	Power to form a reasonable belief that a resident has breached a rooming accommodation agreement and that the breach has not been remedied.
Provider	368(2)	Power to give a resident a notice requiring a resident to remedy the breach.
Provider	368(3)(d)	Power to sign a notice.
Provider	368(4)	Power to form a reasonable belief of the steps necessary to remedy a breach or to avoid a further breach of a rooming accommodation agreement.

***Subdivision 2 – Notices to leave given by provider***

Entity power given to	Section of RTRA	Description
Provider	369(1)	In the specified circumstances, the power to give a resident a notice requiring the resident to leave the premises.
Provider	369(2)(d)	Power to sign a notice.
Provider	369(5)	Power to withdraw a notice at any time before a resident leaves.
Provider	370(1)	In the specified circumstances, the power to give a resident a written notice requiring the resident to leave the rental premises if the provider reasonably believes the circumstances of that subsection exist.
Provider	370(2)(b)	Power to sign a notice.
Provider	371	Power to give a resident a notice requiring the resident to leave premises in the circumstances prescribed in that subsection.
Provider	371(3)(d)	Power to sign the notice.
Provider	371A(2)	Power to give a resident a notice requiring the resident to leave the rental premises.
Provider	371B(1)	Power to give a resident a notice requiring the resident to leave the rental premises if the provider requires the premises to be vacant for planned demolition or redevelopment.

Provider	371C(1)	In specified circumstances, power to give a resident a notice requiring the resident to leave the premises.
Provider	371D(1)	In the specified circumstances, power to give a resident a notice requiring the resident to leave the rental premises.
Provider	371E(2)	Power to give the resident a notice requiring the resident to leave the rental premises if the resident stops being a student.
Provider	372(2)	Power to give the resident a notice requiring the resident to leave the rental premises at the end of the rooming accommodation agreement.
Provider	374(1)	In the specified circumstances, the power to give a notice to a resident requiring the resident to leave the rental premises.
Provider	374(2)(d)	Power to sign the notice.
Provider	375(2)	In the specified circumstances, the power to use reasonable and necessary force to remove a resident and the resident's property from rental premises.
Provider	375(4)	Power, for the purpose of exercising a power under subsection (2), to enter a resident's room.

## **Division 2 – Action by provider**

### ***Subdivision 3 – Applications for termination by provider***

<b>Entity power given to</b>	<b>Section of RTRA</b>	<b>Description</b>
Provider	376(2)	Power to apply to a tribunal for a termination order.
Provider	377(1)	Power to apply to a tribunal for an order terminating a fixed term agreement on the grounds of excessive hardship if the agreement were not terminated.

## **Division 3 – Action by resident**

### ***Subdivision 2A – Domestic violence***

<b>Entity power given to</b>	<b>Section of RTRA</b>	<b>Description</b>
Provider	381E(3)	Power to give a notice stating the matter the matters in subparagraphs (a) to (c).
Provider	381H(2)	Power to apply to the tribunal for an order setting aside the notice because it does not comply with section 381B.

## **Division 4A – Death of sole resident**

<b>Entity power given to</b>	<b>Section of RTRA</b>	<b>Description</b>
Provider	387A(1)(b)	Power to give the resident's personal representative or relative written notice that the agreement rooming accommodation agreement ends.

### Division 5 – Procedural requirements and orders of tribunal

Entity power given to	Section of RTRA	Description
Provider	388(1)	In the specified circumstances, the power to apply to a tribunal for a termination order.
Provider	393(2)	Power to form a reasonable belief that property is perishable or of market value less than the amount prescribed under regulation, or, the storage of goods would be unhealthy or unsafe.
Provider	393(5)	Power to form a reasonable belief that the market value of property is less than the amount prescribed under a regulation and donate the property to a charity instead of selling it under subsection (4)(b).
Provider	395(3)	Power to make an application to the public trustee to pay an amount to the provider from the unclaimed monies fund kept under the <i>Public Trustee Act 1978</i> .

## CHAPTER 6 – DISPUTE RESOLUTION

### Part 1 – Conciliation process for residential tenancy disputes and rooming accommodation disputes

#### Division 3 – Starting the conciliation process

Entity power given to	Section of RTRA	Description
Lessor	402(1)	Power to make a request to the authority to try to resolve a tenancy dispute.
Lessor	402(2)	Power to make a request to the authority to try to resolve a rooming accommodation dispute.

#### Division 4 – Conduct of conciliation process

Entity power given to	Section of RTRA	Description
Parties to Dispute	405(1)	Power to conduct the parties' case on own behalf.
Parties to Dispute	405(2)	In the specified circumstances, the power to represent the party in the conciliation process.
Parties to Dispute	408(2)	Power to agree with another party in dispute to resolve the dispute.

#### Division 5 – Withdrawal of disputes

Entity power given to	Section of RTRA	Description
Party in Dispute	410(1)	Power to give a written notice to an authority withdrawing a dispute resolution request.

**Part 2 -****Application to tribunals****Division 3 – General powers of tribunals**

<b>Entity power given to</b>	<b>Section of RTRA</b>	<b>Description</b>
Person	418(1)	In the specified circumstances, the power to apply to a tribunal for an order.
Lessor / Provider	419(1)	In the specified circumstances, the power to apply to a tribunal for an order it considers appropriate to resolve general disputes between lessors and tenants or providers and residents.
Lessor	419(2)	Power to apply to a tribunal for an order about a breach of agreement
Lessor	424(1)	In the specified circumstances, the power to apply to a tribunal for an order about tenants' notices.
Lessor / Provider	429(1)	In the specified circumstances, the power to apply to the tribunal for an order to resolve a dispute.

**CHAPTER 8 – CAUSING NUISANCE IN MOVEABLE DWELLING PARKS**

<b>Entity power given to</b>	<b>Section of RTRA</b>	<b>Description</b>
Owner of a moveable dwelling park	455(1)	Power to apply to a tribunal for an order excluding a person from the park because of the person's behaviour in the park.
Owner of a moveable dwelling park	455(3)	In the specified circumstances, the power to give a written notice of application to a person.

**CHAPTER 13A – MATTERS RELATING TO PARTICULAR LEASES BY THE STATE AND COMMUNITY HOUSING PROVIDERS**

<b>Entity power given to</b>	<b>Section of RTRA</b>	<b>Description</b>
Lessor / Community Housing Provider	527D(1)	In the specified circumstances, the power to give a written notice to a tenant to require the tenant to give a written undertaking.
Lessor / Community Housing Provider	527D(4)	In the specified circumstances, the power to enter into an acceptable behaviour agreement with a tenant.
Lessor / Community Housing Provider	527E(1)	In the specified circumstances, the power to apply to the tribunal for a termination order.

## LIMITATIONS TO THE EXERCISE OF POWER

1. 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). The delegated power shall be subject to prior Council consultation where the exercise of any delegated power may in all reasonable likelihood:
  - (a) impact on land and/or sea; and/or
  - (b) involve payment of compensation regarding land; and/or
  - (c) require a budget amendment.
2. 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.
3. Unless a higher financial delegation is explicitly provided for in the delegation, any decision of the delegate must be made within the financial delegation of the delegate.
4. Unless explicitly provided for in the delegation, 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.
5. 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.
6. 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.
7. 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).
8. 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.
9. 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.

10. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.
11. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein. 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.

# **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><i>residue waste discounting application</i></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**

<b>Entity power given to</b>	<b>Section of WRRRA</b>	<b>Description</b>
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 for which a resource recovery areas has been declared	72VA(3)(e)	In the specified circumstances, the power to: (a) make written submission to show why the proposed action should not be taken; or (b) take stated actions, if any, to avoid the taking of the proposed action.
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.

## **Part 7 – Payments to local governments**

<b>Entity power given to</b>	<b>Section of WRRRA</b>	<b>Description</b>
Local Government	73DB(1)	In the specified circumstances, the power to request payment of an additional amount for the financial year to further mitigate the direct effects of the waste levy on households in the local government's local area.

## **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***

<b>Entity power given to</b>	<b>Section of WRRRA</b>	<b>Description</b>
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	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:

<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.

to Waste Reduction and Recycling (Local Government - Waste Management) Delegation (No. 1) 2015		<p>(a) authorised or arranged for the distribution of the documents; or</p> <p>(b) authorised or arranged for the printing of the documents; or</p> <p>(c) placed or attached any of the documents.</p>
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>3</sup>	Power to hold a belief on reasonable grounds that advertising material has been distributed in an area by being delivered to 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>	<p>Subject to s111(1), power to give a notice to a person who is an adult if on the reasonable belief that the person:</p> <p>(a) authorised or arranged for the distribution of the documents; or</p> <p>(b) authorised or arranged for the printing of the documents; or</p> <p>(c) placed or attached any of the documents.</p>
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.

<sup>3</sup> The power can only be exercised as it relates to Chapter 5, Part 2 of the Act.

<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.

## 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>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	178(1)(b) <sup>9</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.

<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.

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>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	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.

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>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	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.

(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>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.

<sup>17</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

1. 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). The delegated power shall be subject to prior Council consultation where the exercise of any delegated power may in all reasonable likelihood:
  - (a) impact on land and/or sea; and/or
  - (b) involve payment of compensation regarding land; and/or
  - (c) require a budget amendment.
2. 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.
3. Unless a higher financial delegation is explicitly provided for in the delegation, any decision of the delegate must be made within the financial delegation of the delegate.
4. Unless explicitly provided for in the delegation, 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.
5. 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.
6. 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.
7. 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).
8. 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.
9. 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.

10. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.
11. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein. 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.

## 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 circumstances, 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 for which a resource recovery areas has been declared	72VA(3)(e)	In the specified circumstances, the power to: (a) make written submission to show why the proposed action should not be taken; or (b) take stated actions, if any, to avoid the taking of the proposed action.				
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

## Part 7 – Payments to local governments

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
Local Government	73DB(1)	In the specified circumstances, the power to request payment of an additional amount for the financial year to further mitigate the direct effects of the waste levy on households in the local government's local area.				

## 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	99ZF(4)(a)	Power to ask the Organisation, in writing, to enter into a <b><i>material recovery agreement</i></b>				

recovery facility		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	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			

<sup>18</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			CEO under the Act.by Council.			
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>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 (c) placed or attached any of the documents.	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	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.			

<sup>19</sup> The power can only be exercised as it relates to Chapter 5, Part 2 of the Act.

<sup>20</sup> The power can only be exercised as it relates to Chapter 5, Part 2 of the Act.

pursuant 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	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: <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>	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	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>21</sup> The power can only be exercised as it relates to Chapter 5, Part 2 of the Act.

<sup>22</sup> The power can only be exercised as it relates to Chapter 5, Part 2 of the Act.

Waste Reduction and Recycling (Local Government - Waste Management) Delegation (No. 1) 2015						
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## 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	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
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	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
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.			

<sup>23</sup> The power can only be exercised as it relates to sections 248(2) and 253(3) of the Act.

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>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.			
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.			

<sup>24</sup> The power can only be exercised as it relates to sections 248(2) and 253(3) of the Act.

<sup>25</sup> The power can only be exercised as it relates to sections 248(2) and 253(3) of 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)(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.			
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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	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.			

<sup>26</sup> The power can only be exercised as it relates to sections 248(2) and 253(3) of the Act.

<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.

pursuant to Waste Reduction and Recycling (Authorised Persons) Delegation (No. 1) 2015						
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Authorised Persons) Delegation (No. 1) 2015	187 <sup>28</sup>	To issue an identify card to an authorised person.	This power does not need to be delegated as it is given directly to the CEO under 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;
- (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.

## 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 (Local Government - Waste Management) Delegation (No. 1) 2015	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.			
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction	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.			

<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.

<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.

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(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.			

### 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	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	This power does not need to be delegated as it is			

<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.

<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.

by Chief Executive pursuant to Waste Reduction and Recycling (Local Government - Waste Management) Delegation (No. 1) 2015		<p>compliance notice to a person requiring the person to do either or both of the following –</p> <p>(a) to refrain from contravening the prescribed provision;</p> <p>(b) to remedy the contravention in the way stated in the notice.</p>	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 Government - Waste Management) Delegation (No. 1) 2015	249(2) <sup>33</sup>	<p>Power to give a compliance notice if the Chief Executive:</p> <p>(a) has considered all submissions made by the person about the show cause notice within the period state in that notice; and</p> <p>(b) still believes it is appropriate to give a compliance notice.</p>	This power does not need to be delegated as it is given directly to the CEO under the Act.			

<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.

## 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) Delegation (No. 1) 2015	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.			

### 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.		

<sup>34</sup> The power can only be exercised as it relates to section 104 of WRRRA.

## 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	290(3)	Power to agree to or ask for a condition to a grant of application.				

residue waste 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	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</i></b>				Effective 1 July 2019

the qualifying period		<b>residue waste application</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.				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

**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				Effective 1 July 2019

		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.				Effective 1 July 2019

[2023 07 01 - WRRRA - Delegation Table]

**Torres Strait Island Regional Council**  
***Waste Reduction and Recycling Act 2011 ("WRRR")***

**James William**  
Chief Executive Officer  
**Torres Strait Island Regional Council**

**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.

### 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 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.

## **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.

### **Part 6 –**

#### **Resource recovery area**

##### **Division 1 – Declaration of resource recovery area**

<b>Entity power given to</b>	<b>Section of WRRRA</b>	<b>Description</b>
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 for which a resource recovery areas has been declared	72VA(3)(e)	In the specified circumstances, the power to: <ul style="list-style-type: none"> <li>(a) make written submission to show why the proposed action should not be taken; or</li> <li>(b) take stated actions, if any, to avoid the taking of the proposed action.</li> </ul>
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.

### **Part 7 –**

#### **Payments to local governments**

<b>Entity power given to</b>	<b>Section of WRRRA</b>	<b>Description</b>
Local Government	73DB(1)	In the specified circumstances, the power to request payment of an additional amount for the financial year to further mitigate the direct effects of the waste levy on households in the local government's local area.

## 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 - Waste Management) Delegation (No. 1) 2015	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> <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	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: <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>

<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.

<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.

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.
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## 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.

#### 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.

<sup>39</sup> The power can only be exercised as it relates to Chapter 5, Part 2 of the Act.

### 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.

<sup>40</sup> The power can only be exercised as it relates to sections 248(2) and 253(3) of the Act.

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 and Recycling (Authorised Persons) Delegation (No. 1) 2015	178(1)(b) <sup>43</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.

## 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	183(1) <sup>44</sup>	Power to appoint an authorised person.

<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.

<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.

(Authorised Persons) Delegation (No. 1) 2015		
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 to Waste Reduction and Recycling (Local Government - Waste Management) Delegation (No. 1) 2015	246(1) <sup>46</sup>	Power to reasonably believe a person has contravened a prescribed 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	246(2) <sup>47</sup>	Power to give a person a show cause notice, subject to subsection (3).
Powers delegated to Council in first	246(3) <sup>48</sup>	Power to reasonably consider that it is not appropriate in the circumstances to give the show cause notice.

<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.

<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.

instance by Chief Executive pursuant to Waste Reduction and Recycling (Local Government - Waste Management) Delegation (No. 1) 2015		
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### 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 (Local Government - Waste Management) Delegation (No. 1) 2015	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.

## 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)	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.

<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.

<sup>51</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
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.
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

1. 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). The delegated power shall be subject to prior Council consultation where the exercise of any delegated power may in all reasonable likelihood:
  - (a) impact on land and/or sea; and/or
  - (b) involve payment of compensation regarding land; and/or
  - (c) require a budget amendment.
2. 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.
3. Unless a higher financial delegation is explicitly provided for in the delegation, any decision of the delegate must be made within the financial delegation of the delegate.
4. Unless explicitly provided for in the delegation, 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.
5. 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.
6. 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.
7. 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).
8. 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.
9. 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.

10. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.
11. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein. 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.



# **INSTRUMENT OF DELEGATION**

## **Torres Strait Island Regional Council** ***Biosecurity Regulation 2016 ("BIOR")***

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

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

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

**Biosecurity Regulation 2016 ("BIOR")****CHAPTER 2 – BIOSECURITY OBLIGATIONS****Part 6 – Diagnostic testing**

Entity power given to	Section of BIOR	Description
Person	27(1)	Power to apply to the chief executive in the approved form for a test kit or method approval

**CHAPTER 5 – PREVENTION AND CONTROL MEASURES FOR BIOSECURITY MATTER****Part 1 – Preliminary**

Entity power given to	Section of BIOR	Description
Responsible person	46(1)	In the specified circumstances, the power to ensure biosecurity matter or a carrier is dealt with in accordance with a risk minimisation requirement for dealing with the biosecurity risk or carrier.
Person	46A(1)	In the specified circumstances, the power to move a sample of a carrier into the State or into or from a biosecurity zone.
Person	46A(2)	In the specified circumstances, the power to move a sample of a carrier from a biosecurity zone.
Person	57A(2)	In the specified circumstances, the power to move a tomato/potato psyllid carrier.
Person	57B(2)	Power to move a citrus canker carrier into the State under a biosecurity authorisation.
Person	57B(3)	In the specified circumstances, the power to move a citrus canker carrier.

**Part 12 – White spot biosecurity zone regulatory provisions**

Entity power given to	Section of BIOR	Description
Person	94C(2)	In the specified circumstances, power to move a white spot syndrome virus carrier.

**Part 12B – Polyphagous shot-hole borer biosecurity zone regulatory provisions**

Entity power given to	Section of BIOR	Description
Person	94EH(2)	In the specified circumstances, power to move a polyphagous shot-hole borer carrier.
Person	94EI	Power to form a reasonable belief that polyphagous shot-hole borer is present in or on a polyphagous shot-hole borer carrier.

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

1. 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). The delegated power shall be subject to prior Council consultation where the exercise of any delegated power may in all reasonable likelihood:
  - (a) impact on land and/or sea; and/or
  - (b) involve payment of compensation regarding land; and/or
  - (c) require a budget amendment.
2. 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.
3. Unless a higher financial delegation is explicitly provided for in the delegation, any decision of the delegate must be made within the financial delegation of the delegate.
4. Unless explicitly provided for in the delegation, 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.
5. 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.
6. 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.
7. 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).
8. 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.
9. 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.

10. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.
11. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein. 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.

# **DELEGABLE POWERS UNDER THE BIOSECURITY REGULATION 2016 ("BIOR")**

## **CHAPTER 2 – BIOSECURITY OBLIGATIONS**

### **Part 6 – Diagnostic testing**

<b>Entity power given to</b>	<b>Section of BIOR</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	27(1)	Power to apply to the chief executive in the approved form for a test kit or method approval				

## **CHAPTER 5 – PREVENTION AND CONTROL MEASURES FOR BIOSECURITY MATTER**

### **Part 1 – Preliminary**

<b>Entity power given to</b>	<b>Section of BIOR</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>
Responsible person	46(1)	In the specified circumstances, the power to ensure biosecurity matter or a carrier is dealt with in accordance with a risk minimisation requirement for dealing with the biosecurity risk or carrier.				
Person	46A(1)	In the specified circumstances, the power to move a sample of a carrier into the State or into or from a biosecurity zone.				

Person	46A(2)	In the specified circumstances, the power to move a sample of a carrier from a biosecurity zone.				
Person	57A(2)	In the specified circumstances, the power to move a tomato/potato psyllid carrier.				
Person	57B(2)	Power to move a citrus canker carrier into the State under a biosecurity authorisation.				
Person	57B(3)	In the specified circumstances, the power to move a citrus canker carrier.				

**Part 12 – White spot biosecurity zone regulatory provisions**

Entity power given to	Section of BIOR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person	94C(2)	In the specified circumstances, power to move a white spot syndrome virus carrier.				

**Part 12B – Polyphagous shot-hole borer biosecurity zone regulatory provisions**

Entity power given to	Section of BIOR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person	94EH(2)	In the specified circumstances, power to move a polyphagous shot-hole borer carrier.				
Person	94EI	Power to form a reasonable belief that polyphagous shot-hole borer is present in or on a polyphagous shot-hole borer carrier.				

[2023 08 25 - BIOR - Delegation Table]

## INSTRUMENT OF SUB-DELEGATION

**Torres Strait Island Regional Council**  
*Biosecurity Regulation 2016 ("BIOR")*

Under section 259 of the *Local Government Act 2009*, I, **James William**, 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 \_\_\_\_\_ 2023.

**James William**  
Chief Executive Officer  
**Torres Strait Island Regional Council**

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

# POWERS SUB-DELEGATED

## *Biosecurity Regulation 2016 ("BIOR")*

### CHAPTER 2 – BIOSECURITY OBLIGATIONS

#### Part 6 – Diagnostic testing

Entity power given to	Section of BIOR	Description
Person	27(1)	Power to apply to the chief executive in the approved form for a test kit or method approval

### CHAPTER 5 – PREVENTION AND CONTROL MEASURES FOR BIOSECURITY MATTER

#### Part 1 – Preliminary

Entity power given to	Section of BIOR	Description
Responsible person	46(1)	In the specified circumstances, the power to ensure biosecurity matter or a carrier is dealt with in accordance with a risk minimisation requirement for dealing with the biosecurity risk or carrier.
Person	46A(1)	In the specified circumstances, the power to move a sample of a carrier into the State or into or from a biosecurity zone.
Person	46A(2)	In the specified circumstances, the power to move a sample of a carrier from a biosecurity zone.
Person	57A(2)	In the specified circumstances, the power to move a tomato/potato psyllid carrier.
Person	57B(2)	Power to move a citrus canker carrier into the State under a biosecurity authorisation.
Person	57B(3)	In the specified circumstances, the power to move a citrus canker carrier.

#### Part 12 – White spot biosecurity zone regulatory provisions

Entity power given to	Section of BIOR	Description
Person	94C(2)	In the specified circumstances, power to move a white spot syndrome virus carrier.

#### Part 12B – Polyphagous shot-hole borer biosecurity zone regulatory provisions

Entity power given to	Section of BIOR	Description
Person	94EH(2)	In the specified circumstances, power to move a polyphagous shot-hole borer carrier.
Person	94EI	Power to form a reasonable belief that polyphagous shot-hole borer is present in or on a polyphagous shot-hole borer carrier.



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

1. 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). The delegated power shall be subject to prior Council consultation where the exercise of any delegated power may in all reasonable likelihood:
  - (a) impact on land and/or sea; and/or
  - (b) involve payment of compensation regarding land; and/or
  - (c) require a budget amendment.
2. 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.
3. Unless a higher financial delegation is explicitly provided for in the delegation, any decision of the delegate must be made within the financial delegation of the delegate.
4. Unless explicitly provided for in the delegation, 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.
5. 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.
6. 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.
7. 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).
8. 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.
9. 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.

10. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.
11. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein. 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.

## STANDARD LIMITATIONS TO THE EXERCISE OF POWER

1. 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). The delegated power shall be subject to prior Council consultation where the exercise of any delegated power may in all reasonable likelihood:
  - (a) impact on land and/or sea; and/or
  - (b) involve payment of compensation regarding land; and/or
  - (c) require a budget amendment.
2. 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.
3. Unless a higher financial delegation is explicitly provided for in the delegation, any decision of the delegate must be made within the financial delegation of the delegate.
4. Unless explicitly provided for in the delegation, 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.
5. 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.
6. 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.
7. 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).
8. 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.
9. 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.

10. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.
11. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein. 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.

# **INSTRUMENT OF DELEGATION**

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

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

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

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

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

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

**Division 3 – Carrying out cultural heritage study**

Entity power given to	Section of ACHA	Description
Sponsor	68(1)	Subject to subsection (4), power to engage persons as cultural heritage assessors for a cultural heritage study.
Sponsor	68(4)	Power to be satisfied that a person is: (a) an Aboriginal person for the study area; or (b) an appropriately qualified person in a discipline directly relevant to the study; or (c) another person who has particular knowledge or experience making the person suitable for engagement as a cultural heritage assessor.
Sponsor	69(2)	Power to agree to the extent to which a cultural heritage assessor may give help and advice
Sponsor	70(2)	Power to ask for consultation with an endorsed party on any of the matters listed.

**Division 5 – Objections, hearing and recommendation**

Entity power given to	Section of ACHA	Description
Objector	76(1)	Power to object to the Land Court to: (a) the chief executive's recording in the register of the findings of the cultural heritage study; or (b) the chief executive's refusal to record in the register the findings of the cultural heritage study.

**Part 7 –****Cultural heritage management plans****Division 2 – Protection of cultural heritage under cultural heritage management plans**

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

**Division 3 – Preparing to develop cultural heritage management plan**

Entity power given to	Section of ACHA	Description
Sponsor	91(1)	Power to give a written notice of a proposed cultural heritage management plan to the entities listed in subsection (a) – (e).
Sponsor	93(2)(b)	Power to decide a later time.
Sponsor	94(2)(b)	Power to decide a later time.
Sponsor	96(6)(b)	Power to decide a later time.
Sponsor	100(2)	Subject to section 100(1), power to give the Aboriginal party a written notice that: <ul style="list-style-type: none"> <li>(a) includes a copy of the written notice (proposed plan) it would have been given if it had been an Aboriginal party when the written notice (proposed plan) was first given under this division; and</li> <li>(b) advises the time by which, despite anything in the written notice (proposed plan), the sponsor must be given the written notice that the party wishes to take part in developing the plan.</li> </ul>
Sponsor	100(3)(b)	Power to decide a later time.
Sponsor	101(2)	Subject to section 101(1), power to endorse an Aboriginal party for the plan area to take part in developing the cultural heritage management plan even though the sponsor is not required to endorse the party.

**Division 4 – Development of cultural heritage management plan**

Entity power given to	Section of ACHA	Description
Sponsor	103	Power to: <ul style="list-style-type: none"> <li>(a) seek agreement with the endorsed parties for the cultural heritage management plan about how the project is to be managed:               <ul style="list-style-type: none"> <li>(i) to avoid harm to Aboriginal cultural heritage; and</li> <li>(ii) to the extent that harm can not reasonably be avoided, to minimise harm to Aboriginal cultural heritage; and</li> </ul> </li> <li>(b) develop the plan:               <ul style="list-style-type: none"> <li>(i) in consultation and negotiation with the endorsed parties for the plan; and</li> </ul> </li> </ul>

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

#### **Division 5 – Approval by chief executive**

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

#### **Division 6 – Objection or referral, hearing and recommendation**

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

#### **Part 9 – Miscellaneous provisions**

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

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

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

[2018 11 09 - ACHA - Delegation Instrument]

### **Conditions imposed on all Delegations**

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

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

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

### Part 6 – Cultural heritage studies

#### Division 2 – Preparing to carry out cultural heritage study

Entity power given to	Section of ACHA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Sponsor	56(1)	Power to give a written notice of a proposed cultural heritage study to the entities listed in subsection (a) – (f).	23 February 2021			
Sponsor	58(2)(b)	Power to decide a later time.	23 February 2021			
Sponsor	59(2)(b)	Power to decide a later time.	23 February 2021			
Sponsor	61(6)(b)	Power to decide a later time.	23 February 2021			
Sponsor	65(2)	Power to endorse an Aboriginal party for the study area to take part in the cultural heritage study even though the sponsor is not required to endorse the party.	23 February 2021			

#### Division 3 – Carrying out cultural heritage study

Entity power given to	Section of ACHA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Sponsor	68(1)	Subject to subsection (4), power to engage persons as cultural heritage assessors for a cultural heritage study.	23 February 2021			
Sponsor	68(4)	Power to be satisfied that a person is:	23 February 2021			

		(a) an Aboriginal person for the study area; or (b) an appropriately qualified person in a discipline directly relevant to the study; or (c) another person who has particular knowledge or experience making the person suitable for engagement as a cultural heritage assessor.				
Sponsor	69(2)	Power to agree to the extent to which a cultural heritage assessor may give help and advice	23 February 2021			
Sponsor	70(2)	Power to ask for consultation with an endorsed party on any of the matters listed.	23 February 2021			

**Division 5 – Objections, hearing and recommendation**

Entity power given to	Section of ACHA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Objector	76(1)	Power to object to the Land Court to: (a) the chief executive's recording in the register of the findings of the cultural heritage study; or (b) the chief executive's refusal to record in the register the findings of the cultural heritage study.	23 February 2021			

**Part 7 – Cultural heritage management plans**

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

Entity power given to	Section of ACHA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Entity	87(3)	Subject to subsection (1) and (2), power to impose conditions mentioned in subsection (2)(b)	23 February 2021			
Entity	88(3)	Subject to subsection (1) and (2), power to impose conditions mentioned in subsection (2)(b)	23 February 2021			

**Division 3 – Preparing to develop cultural heritage management plan**

Entity power given to	Section of ACHA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Sponsor	91(1)	Power to give a written notice of a proposed cultural heritage management plan to the entities listed in subsection (a) – (e).	23 February 2021			
Sponsor	93(2)(b)	Power to decide a later time.	23 February 2021			
Sponsor	94(2)(b)	Power to decide a later time.	23 February 2021			
Sponsor	96(6)(b)	Power to decide a later time.	23 February 2021			
Sponsor	100(2)	Subject to section 100(1), power to give the Aboriginal party a written notice that: (a) includes a copy of the written notice (proposed plan) it would have been given if it had been an	23 February 2021			

		<p>Aboriginal party when the written notice (proposed plan) was first given under this division; and</p> <p>(b) advises the time by which, despite anything in the written notice (proposed plan), the sponsor must be given the written notice that the party wishes to take part in developing the plan.</p>				
Sponsor	100(3)(b)	Power to decide a later time.	23 February 2021			
Sponsor	101(2)	Subject to section 101(1), power to endorse an Aboriginal party for the plan area to take part in developing the cultural heritage management plan even though the sponsor is not required to endorse the party.	23 February 2021			

**Division 4 – Development of cultural heritage management plan**

Entity power given to	Section of ACHA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Sponsor	103	<p>Power to:</p> <p>(a) seek agreement with the endorsed parties for the cultural heritage management plan about how the project is to be managed:</p> <p>(i) to avoid harm to Aboriginal cultural heritage; and</p>	23 February 2021			

		<p>(ii) to the extent that harm can not reasonably be avoided, to minimise harm to Aboriginal cultural heritage; and</p> <p>(b) develop the plan:</p> <p>(i) in consultation and negotiation with the endorsed parties for the plan; and</p> <p>(ii) in a way directed at maximising the suitability of the plan for the effective protection and conservation of Aboriginal cultural heritage.</p>				
Sponsor	105(1)	Power to negotiate and make every effort to reach agreement with each endorsed party for the cultural heritage management plan about the provisions of the plan.	23 February 2021			
Consultation Party	106(2)	Subject to section 106(1), power to ask the Land Court to provide mediation of a dispute.	23 February 2021			
Consultation Party	106(4)	Power to agree in writing to extend the consultation period.	23 February 2021			

### Division 5 – Approval by chief executive

Entity power given to	Section of ACHA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Sponsor	107(1)	Whether or not the consultation period for the cultural heritage management plan has ended, power to agree that the chief executive may approve the plan.	23 February 2021			

### Division 6 – Objection or referral, hearing and recommendation

Entity power given to	Section of ACHA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Sponsor	111(1)	In the way described in 111(2), if there is no endorsed party for the cultural heritage management plan, power to object, to the Land Court, to the chief executive's refusal to approve the plan.	23 February 2021			
Sponsor	112(2)	Subject to section 112(1) and following authorisation from the mediator, power to refer the cultural heritage management plan to the Land Court and ask the Land Court to approve the cultural heritage management plan, even though the consultation period has not ended.	23 February 2021			
Sponsor	113(2)	Subject to section 113(1), power to refer a cultural heritage management plan to the Land Court and ask the Land Court to approve the plan.	23 February 2021			

Consultation Party	117(5)	Before the Land Court makes a recommendation to the Minister, power to agree that the cultural heritage management plan should be approved.	23 February 2021			
Sponsor	117(5)	Before the Land Court makes a recommendation to the Minister and subject to all consultation parties' agreement, power to give the cultural heritage management plan, as agreed, to the chief executive.	23 February 2021			

**Part 9 – Miscellaneous provisions**

Entity power given to	Section of ACHA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Any person	153(1)	Power to consult with the owner or occupier of the land about obtaining the necessary access in order to perform an activity (the cultural heritage activity) under this Act.	23 February 2021			

[2018 11 09 - ACHA - Delegation Table]

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

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

## POWERS SUB-DELEGATED

### *Aboriginal Cultural Heritage Act 2003 ("ACHA")*

#### Part 6 –

#### Cultural heritage studies

##### Division 2 – Preparing to carry out cultural heritage study

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

##### Division 3 – Carrying out cultural heritage study

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

##### Division 5 – Objections, hearing and recommendation

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

**Part 7 –****Cultural heritage management plans****Division 2 – Protection of cultural heritage under cultural heritage management plans**

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

**Division 3 – Preparing to develop cultural heritage management plan**

Entity power given to	Section of ACHA	Description
Sponsor	91(1)	Power to give a written notice of a proposed cultural heritage management plan to the entities listed in subsection (a) – (e).
Sponsor	93(2)(b)	Power to decide a later time.
Sponsor	94(2)(b)	Power to decide a later time.
Sponsor	96(6)(b)	Power to decide a later time.
Sponsor	100(2)	Subject to section 100(1), power to give the Aboriginal party a written notice that: <ul style="list-style-type: none"> <li>(a) includes a copy of the written notice (proposed plan) it would have been given if it had been an Aboriginal party when the written notice (proposed plan) was first given under this division; and</li> <li>(b) advises the time by which, despite anything in the written notice (proposed plan), the sponsor must be given the written notice that the party wishes to take part in developing the plan.</li> </ul>
Sponsor	100(3)(b)	Power to decide a later time.
Sponsor	101(2)	Subject to section 101(1), power to endorse an Aboriginal party for the plan area to take part in developing the cultural heritage management plan even though the sponsor is not required to endorse the party.

**Division 4 – Development of cultural heritage management plan**

Entity power given to	Section of ACHA	Description
Sponsor	103	Power to: <ul style="list-style-type: none"> <li>(a) seek agreement with the endorsed parties for the cultural heritage management plan about how the project is to be managed:               <ul style="list-style-type: none"> <li>(i) to avoid harm to Aboriginal cultural heritage; and</li> <li>(ii) to the extent that harm can not reasonably be avoided, to minimise harm to Aboriginal cultural heritage; and</li> </ul> </li> <li>(b) develop the plan:               <ul style="list-style-type: none"> <li>(i) in consultation and negotiation with the endorsed parties for the plan; and</li> </ul> </li> </ul>

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

#### **Division 5 – Approval by chief executive**

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

#### **Division 6 – Objection or referral, hearing and recommendation**

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

#### **Part 9 – Miscellaneous provisions**

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

## LIMITATIONS TO THE EXERCISE OF POWER

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

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

### Conditions imposed on all Delegations

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

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

# **INSTRUMENT OF DELEGATION**

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

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

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

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

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

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

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

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

### Division 3 – Taking by agreement

#### Subdivision 1 – Resumption agreements

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

#### Subdivision 2 – Process for taking

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

### Part 3 – Discontinuance of taking of land

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

### Part 4 – Compensation

Entity power given to	Section of ACLA	Description
Constructing Authority	19(4) <sup>1</sup>	Subject to section 46 of the <i>Acquisition of Land Act 1967</i> , power to: (a) satisfy yourself that it is reasonable in all the circumstances to accept, and deal, with a claim for compensation served by the claimant more than 3 years after the day the land was taken; and

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

## Part 5 – General

Entity power given to	Section of ACLA	Description
Members, officers, employees, contractors and agents of the Constructing Authority and any person authorised by the Constructing Authority	36(1)	Power to: (a) enter upon any land, for the purpose of making any inspection, valuation, survey or taking levels; (b) affix or set up thereon trigonometrical stations, survey pegs, marks, or poles, and from time to time alter, remove, inspect, reinstate and repair the same; (c) dig and bore into the land so as to ascertain the nature of the soil, and set out the lines of any works thereon; and (d) do all things necessary for the purposes aforesaid.
Members, officers, employees, contractors and agents of the Constructing Authority and any person authorised by the Constructing Authority	36(2)	Power to: (a) re-enter from time to time; (b) remain upon that land for such time as is necessary to achieve the purpose of the entry; and (c) take such assistants, vehicles, materials, equipment or things as are necessary to achieve the purpose of the entry.
Members, officers, employees, contractors and agents of the Constructing Authority and any person authorised by the Constructing Authority	36(3)	Power to give to an occupier or an owner at least 7 days notice in writing.
Constructing Authority	37(2)	In the specified circumstances, the power to give an occupier or an owner at least 7 days notice in writing.
Constructing Authority	37(5)	In the specified circumstances, the power to agree with a claimant: (a) upon the amount of compensation to be paid under section 37 of the <i>Acquisition of Land Act 1967</i> ; or

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

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

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

[2018 11 09 - ACLA - Delegation Instrument]

### **Conditions imposed on all Delegations**

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

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

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

### Part 1 – Preliminary

Entity power given to	Section of ACLA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Entity	4B(2)	Power to give the relevant Chief Executive for the resource interest a written notice.	23 February 2021			

### Part 2 – Taking of land

#### Division 2 – Taking other than by agreement

Entity power given to	Section of ACLA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Constructing Authority	7(1)	Power to: (a) propose to take any land; (b) serve (as prescribed by section 7 of the <i>Acquisition of Land Act 1967</i> ) a notice (a <b><i>notice of intention to resume</i></b> ).	23 February 2021			
Constructing Authority	8(2)	Power to consider the grounds of objection to the taking of any land and the other specified matters.	23 February 2021			
Constructing Authority	8(2)(b)	Power to hear the objector.	23 February 2021			
Constructing Authority	8(2A)	In the specified circumstances, the power to discontinue a resumption or amend a notice of intention to resume if	23 February 2021			

		of the opinion that the resumption should be discontinued or that the notice of intention to resume should be amended.				
Constructing Authority	9(1)	In the specified circumstances, the power to apply to the Minister that land be taken as prescribed by section 9 of the <i>Acquisition of Land Act 1967</i> if of the opinion that the land in question is required for the purpose for which it is proposed to be taken.	23 February 2021			
Constructing Authority	12(5A)	In the specified circumstances, the power to agree with a claimant on the amount of compensation.	23 February 2021			
Constructing Authority	12(7)	In the specified circumstances, the power to serve a copy of the gazette resumption notice upon every person who to your knowledge is entitled, pursuant to section 18 of the <i>Acquisition of Land Act 1967</i> , to claim compensation or is a mortgagee of the land.	23 February 2021			
Constructing Authority	13(1)(b)	In the specified circumstances, the power to agree in writing with an owner of land that the taking of part of the land will leave, or has left, a parcel of land that is of no practical use or value to the owner of such land and accordingly that parcel of land will be taken.	23 February 2021			

### Division 3 – Taking by agreement

#### *Subdivision 1 – Resumption agreements*

Entity power given to	Section of ACLA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Constructing Authority	15(1)	Power to enter into a resumption agreement.	23 February 2021			

#### *Subdivision 2 – Process for taking*

Entity power given to	Section of ACLA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Constructing Authority	15C(1)	Power to apply to the relevant Minister for the land to be taken under this section.	23 February 2021			
Constructing Authority	15D(1)	Power to, by gazette notice, declare that the land is taken for the purpose stated in the notice, without making any application under section 15C.	23 February 2021			
Constructing Authority	15D(3)	Power to be satisfied the land: (a) may be taken; and (b) should be taken for the purpose for which it is proposed to be taken.	23 February 2021			

### Part 3 – Discontinuance of taking of land

Entity power given to	Section of ACLA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Constructing Authority	16(1)	Power to at any time before the publication of a gazette resumption	23 February 2021			

		notice, serve upon every person who has been served with a notice of intention to resume a further notice stating that the resumption of the land concerned is being discontinued.				
Constructing Authority	16(1B)	Power to agree with a claimant upon the amount of compensation to be paid under section 16(1A) of the <i>Acquisition of Land Act 1967</i> .	23 February 2021			
Gazetting Authority	17(1)	In certain circumstances, power to, by gazette notice (the <b>revoking gazette notice</b> ), revoke the gazette resumption notice, in whole or in part.	23 February 2021			
Constructing Authority	17(5)	Power to agree with a claimant: (a) upon the amount of compensation to be paid under section 17(4) of the <i>Acquisition of Land Act 1967</i> ; or (b) that the amount of compensation should be determined by the Land Court.	23 February 2021			

#### Part 4 – Compensation

Entity power given to	Section of ACLA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Constructing Authority	19(4) <sup>2</sup>	Subject to section 46 of the <i>Acquisition of Land Act 1967</i> , power to: (a) satisfy yourself that it is reasonable in all the circumstances to accept, and deal, with a claim for	23 February 2021			

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

		<p>compensation served by the claimant more than 3 years after the day the land was taken; and</p> <p>(b) accept, and deal, with the claim.</p>				
Constructing Authority	21(1)	Power to agree with a claimant that the claimant will be granted, in satisfaction wholly or partly of the claimant's claim for compensation, any easement, right of way, lease or other right of occupation, or any other right, privilege or concession in, upon, over or under the land taken or any other land the property of Council.	23 February 2021			
Constructing Authority	21(1A)	Power to agree with the claimant that the claimant will be transferred land held in fee simple by Council in satisfaction wholly or partly of the Claimants claim for compensation.	23 February 2021			
Constructing Authority	21(2)	Power to agree with a claimant that the extent to which a grant (referred to in section 21(1) of the <i>Acquisition of Land Act 1967</i> ) shall satisfy the claim for compensation should be determined by the Land Court.	23 February 2021			
Constructing Authority	29(1)	In the specified circumstances, the power to agree with a claimant upon the amount of compensation to be paid.	23 February 2021			

**Part 5 – General**

<b>Entity power given to</b>	<b>Section of ACLA</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>
Members, officers, employees, contractors and agents of the Constructing Authority and any person authorised by the Constructing Authority	36(1)	Power to: (a) enter upon any land, for the purpose of making any inspection, valuation, survey or taking levels; (b) affix or set up thereon trigonometrical stations, survey pegs, marks, or poles, and from time to time alter, remove, inspect, reinstate and repair the same; (c) dig and bore into the land so as to ascertain the nature of the soil, and set out the lines of any works thereon; and (d) do all things necessary for the purposes aforesaid.	No delegation required		No delegation required	
Members, officers, employees, contractors and agents of the Constructing Authority and any person authorised by the Constructing Authority	36(2)	Power to: (a) re-enter from time to time; (b) remain upon that land for such time as is necessary to achieve the purpose of the entry; and (c) take such assistants, vehicles, materials, equipment or things as are necessary to achieve the purpose of the entry.	No delegation required		No delegation required	

Members, officers, employees, contractors and agents of the Constructing Authority and any person authorised by the Constructing Authority	36(3)	Power to give to an occupier or an owner at least 7 days notice in writing.	No delegation required		No delegation required	
Constructing Authority	37(2)	In the specified circumstances, the power to give an occupier or an owner at least 7 days notice in writing.	23 February 2021			
Constructing Authority	37(5)	In the specified circumstances, the power to agree with a claimant: (a) upon the amount of compensation to be paid under section 37 of the <i>Acquisition of Land Act 1967</i> ; or (b) that the amount of compensation is to be determined by the Land Court.	23 February 2021			
Constructing Authority	38(1)	In the specified circumstances, the power to issue a warrant to the sheriff to deliver possession of any land to the person appointed in the warrant.	23 February 2021			

## INSTRUMENT OF SUB-DELEGATION

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

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

### *Acquisition of Land Act 1967 ("ACLA")*

#### Part 1 – Preliminary

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

#### Part 2 – Taking of land

##### Division 2 – Taking other than by agreement

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

### Division 3 – Taking by agreement

#### Subdivision 1 – Resumption agreements

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

#### Subdivision 2 – Process for taking

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

### Part 3 – Discontinuance of taking of land

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

### Part 4 – Compensation

Entity power given to	Section of ACLA	Description
Constructing Authority	19(4) <sup>3</sup>	Subject to section 46 of the <i>Acquisition of Land Act 1967</i> , power to: (a) satisfy yourself that it is reasonable in all the circumstances to accept, and deal, with a claim for compensation served by the claimant more than 3 years after the day the land was taken; and

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

## Part 5 – General

Entity power given to	Section of ACLA	Description
Members, officers, employees, contractors and agents of the Constructing Authority and any person authorised by the Constructing Authority	36(1)	Power to: (a) enter upon any land, for the purpose of making any inspection, valuation, survey or taking levels; (b) affix or set up thereon trigonometrical stations, survey pegs, marks, or poles, and from time to time alter, remove, inspect, reinstate and repair the same; (c) dig and bore into the land so as to ascertain the nature of the soil, and set out the lines of any works thereon; and (d) do all things necessary for the purposes aforesaid.
Members, officers, employees, contractors and agents of the Constructing Authority and any person authorised by the Constructing Authority	36(2)	Power to: (a) re-enter from time to time; (b) remain upon that land for such time as is necessary to achieve the purpose of the entry; and (c) take such assistants, vehicles, materials, equipment or things as are necessary to achieve the purpose of the entry.
Members, officers, employees, contractors and agents of the Constructing Authority and any person authorised by the Constructing Authority	36(3)	Power to give to an occupier or an owner at least 7 days notice in writing.
Constructing Authority	37(2)	In the specified circumstances, the power to give an occupier or an owner at least 7 days notice in writing.
Constructing Authority	37(5)	In the specified circumstances, the power to agree with a claimant: (a) upon the amount of compensation to be paid under section 37 of the <i>Acquisition of Land Act 1967</i> ; or

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

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

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

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

### **Conditions imposed on all Delegations**

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

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

# **INSTRUMENT OF DELEGATION**

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

[2016 07 01 - ACPA - Delegation Instrument]

### **Conditions imposed on all Delegations**

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

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

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

### CHAPTER 3 – GENERAL ANIMAL OFFENCES

#### Part 5 – Other prohibited and regulated conduct

#### Division 3 – Baits or harmful substances

Entity power given to	Section of ACPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Prescribed Entity <sup>2</sup>	36(1)	The power to administer or feed an animal a substance that Council knows is harmful or poisonous to the animal, with the intention of injuring or killing the animal.	23 February 2021	Executive Director Community and Building Services	14 December 2021	

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

## CHAPTER 6 – INVESTIGATION AND ENFORCEMENT

### Part 2 – Power of Inspectors

#### Division 4 – Seizure and forfeiture

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

Entity power given to	Section of ACPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Prescribed Entity	156(2)	In the specified circumstances, the power to agree in writing to the transfer of ownership of animal or other thing.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Prescribed Entity	157(2)	In the specified circumstances, the power to deal with an animal or other thing that has become the property of Council as considered appropriate.	23 February 2021	Executive Director Community and Building Services	14 December 2021	

## CHAPTER 7 – EVIDENCE AND LEGAL PROCEEDINGS

### Part 3 – Remedies

Entity power given to	Section of ACPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Prescribed Entity	189(2)	In the specified circumstances, the power to recover costs from an animal's owner or former owner for costs necessarily and reasonably incurred in relation to the interests of the animal's welfare or its destruction.	23 February 2021	Executive Director Community and Building Services	14 December 2021	

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## CHAPTER 8 – GENERAL PROVISIONS

### Part 2 – Miscellaneous provisions

Entity power given to	Section of ACPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Prescribed Entity	214A(2)	In the specified circumstances, the power to agree in writing to the transfer of ownership of animal.	23 February 2021	Executive Director Community and Building Services	14 December 2021	

[2016 07 01 - ACPA - Delegation Table]

# INSTRUMENT OF SUB-DELEGATION

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

Under section 259 of the *Local Government Act 2009*, I, **David Baldwin**, Acting 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 **23 February 2021** to delegate those powers to the Chief Executive Officer.

**DATED** this                      day of                      2021.

**David Baldwin**  
Acting Chief Executive Officer  
**Torres Strait Island Regional Council**

**Position:** Executive Director of Community and Building Services

## POWERS SUB-DELEGATED

### *Animal Care and Protection Act 2001 ("ACPA")*

#### CHAPTER 3 – GENERAL ANIMAL OFFENCES

##### Part 5 – Other prohibited and regulated conduct

##### Division 3 – Baits or harmful substances

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

#### CHAPTER 6 – INVESTIGATION AND ENFORCEMENT

##### Part 2 – Power of Inspectors

##### Division 4 – Seizure and forfeiture

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

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

#### CHAPTER 7 – EVIDENCE AND LEGAL PROCEEDINGS

##### Part 3 – Remedies

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

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

**CHAPTER 8 – GENERAL PROVISIONS**

**Part 2 – Miscellaneous provisions**

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

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

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

[2016 07 01 - ACPA - 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 SUB-DELEGATION

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

Under section 259 of the *Local Government Act 2009*, I, **David Baldwin**, Acting 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 **23 February 2021** to delegate those powers to the Chief Executive Officer.

DATED this 14 day of 12 2021.

  
\_\_\_\_\_  
**David Baldwin**  
Acting Chief Executive Officer  
**Torres Strait Island Regional Council**

# **INSTRUMENT OF DELEGATION**

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

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

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

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

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

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

**Part 2 – Desexing tattoos**

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

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

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

**Part 3 - Amendment of registration**

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

## **Part 4 - Renewal of registration**

<b>Entity power given to</b>	<b>Section of AMCD</b>	<b>Description</b>
Chief Executive Officer	56(1)	Power to give the owner of a cat or dog a notice to renew the registration for the cat or dog (a <b><i>renewal notice</i></b> ).
Chief Executive Officer	58(2)	In the specified circumstances, power to ask the owner for more information or documents required to be given in the notice mentioned in section 48.
Chief Executive Officer	58(4)	In specified circumstances, power to: (a) Ensure that the information is updated in the appropriate register in a way that reflects the change; and (b) to give the owner of a cat or dog any registration device for the cat or dog.

## **CHAPTER 4 – REGULATED DOGS**

### **Part 1 – Preliminary**

#### **Division 2 – Interpretation**

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

### **Part 3 – Restricted dog permits**

#### **Division 1 – Obtaining permit for restricted dog**

##### ***Subdivision 1 – Permit applications***

<b>Entity power given to</b>	<b>Section of AMCD</b>	<b>Description</b>
Local Government	74(1)	After a permit application has been made, power to, by notice, require the applicant to: (a) give a stated document or information that is relevant to the application; (b) or verify the correctness of the document.
Local Government	75(1)	In the specified circumstances, power to either grant or refuse a permit application.
Local Government	75(3)	Power to be satisfied that desexing is likely to be a serious risk to the health of the dog.
Local Government	75(5)	In the specified circumstances, power to impose a condition provided for under a regulation.

##### ***Subdivision 2 – Action after decision on application***

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

Local Government	79	Power to, as soon as practicable after deciding to refuse a permit application, give the applicant an information notice about the decision.
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### Division 3 – Renewal of permit

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

### Division 4 – Amendment of permits

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

### Part 4 – Regulated dog declarations

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

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**Part 6 – Miscellaneous provisions**

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

**CHAPTER 5 – INVESTIGATION, MONITORING AND ENFORCEMENT**

**Part 2 – Entry to places**

**Division 1 – Powers of entry**

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

**CHAPTER 7 - REGISTERS**

**Part 1 – Registers kept by Chief Executive**

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

**Part 2 – Registers kept by local government places**

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

## CHAPTER 8 – REVIEWS

### Part 1 – Internal review of decisions

Entity power given to	Section of AMCD	Description
Chief Executive Officer	183(2)	Power to, at any time, extend the time for making a general review application.
Chief Executive Officer	185A(2)	In the specified circumstances, power to conduct an internal review of the decisions at the same time under section 186.
Chief Executive Officer	186(1)	In the specified circumstances, power to: (a) conduct an internal review of the original decision the subject of the application; and (b) make a decision (the <b>internal review decision</b> ) to: (i) confirm the original decision; (ii) amend the original decision; or (iii). substitute another decision for the original decision.
Chief Executive Officer	187(2)	In the specified circumstances, power to give the applicant notice of the internal review decision.

## CHAPTER 9 – MISCELLANEOUS PROVISIONS

### Part 5 – Miscellaneous

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

## CHAPTER 10 – TRANSITIONAL PROVISIONS

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

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

### Part 4 – Transitional provisions for Agriculture and Forestry Legislation Amendment Act 2013

#### Division 3 – Continuation of cat registration for local governments

Entity power given to	Section of AMCD	Description
Local Government	228(3)	Power to consider appropriate a portion of the fee the local government may refund, having regard to the period of the registration stated on the registration notice that remains after the commencement.



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

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

[2017 05 26 - AMCD - Delegation Instrument]

### **Conditions imposed on all Delegations**

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

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

## DELEGABLE POWERS UNDER THE ANIMAL MANAGEMENT (CATS AND DOGS) ACT 2008 ("AMCD")

### CHAPTER 2 – IDENTIFICATION OF CATS AND DOGS

#### Part 1 – Prescribed permanent identification devices

##### Division 6 – Giving identifying information

Entity power given to	Section of AMCD	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	39	In the specified circumstances, power to give a person identifying information for the cat or dog.	23 February 2021	Executive Director Community and Building Services	14 December 2021	

#### Part 2 – Desexing tattoos

Entity power given to	Section of AMCD	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	42(4)	Power to recognise an exhibition in which a cat or dog is participating.	23 February 2021	Executive Director Community and Building Services	14 December 2021	

## CHAPTER 3 – DOG REGISTRATION

### Part 2 – How dog is registered

Entity power given to	Section of AMCD	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Chief Executive Officer	48(2)	In the specified circumstances, power to, by notice, require an owner to give other information or documents reasonably required to register the cat or dog.	This power does not need to be delegated as it is given directly to the CEO under the Act.	Executive Director Community and Building Services	14 December 2021	
Local Government	49(2)	In the specified circumstances, power to give an owner of a dog notice that the dog has been registered.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	51(a)	Power to keep the registration form and other information about a cat or dog given to the local government by the owner.	23 February 2021	Executive Director Community and Building Services	14 December 2021	

### Part 3 - Amendment of registration

Entity power given to	Section of AMCD	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Chief Executive Officer	55(2)	In the specified circumstances, power to ask the owner of the cat or dog for other information or documents in the way mentioned in section 48(2).	This power does not need to be delegated as it is given directly to the CEO under the Act.	Executive Director Community and Building Services	14 December 2021	

Chief Executive Officer	55(4)	In the specified circumstances, power to: (a) ensure that the information is updated in the appropriate register in a way that reflects the change; and (b) to ensure the owner is given a notice for the cat or dog that includes the changed information.	This power does not need to be delegated as it is given directly to the CEO under the Act.	Executive Director Community and Building Services	14 December 2021	
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#### Part 4 - Renewal of registration

Entity power given to	Section of AMCD	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Chief Executive Officer	56(1)	Power to give the owner of a cat or dog a notice to renew the registration for the cat or dog (a <b>renewal notice</b> ).	This power does not need to be delegated as it is given directly to the CEO under the Act.	Executive Director Community and Building Services	14 December 2021	
Chief Executive Officer	58(2)	In the specified circumstances, power to ask the owner for more information or documents required to be given in the notice mentioned in section 48.	This power does not need to be delegated as it is given directly to the CEO under the Act.	Executive Director Community and Building Services	14 December 2021	
Chief Executive Officer	58(4)	In specified circumstances, power to: (a) Ensure that the information is updated in the appropriate register in a way that reflects the change; and	This power does not need to be delegated as it is given directly to the CEO under the Act.	Executive Director Community and Building Services	14 December 2021	

		(b) to give the owner of a cat or dog any registration device for the cat or dog.				
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## CHAPTER 4 – REGULATED DOGS

### Part 1 – Preliminary

#### Division 2 – Interpretation

Entity power given to	Section of AMCD	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	64(1)(b)	Power to recognise, for the purposes of this section, a body which supervises an exhibition or an obedience trial in which a dog is participating.	23 February 2021	Executive Director Community and Building Services	14 December 2021	

### Part 3 – Restricted dog permits

#### Division 1 – Obtaining permit for restricted dog

##### *Subdivision 1 – Permit applications*

Entity power given to	Section of AMCD	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	74(1)	After a permit application has been made, power to, by notice, require the applicant to: (a) give a stated document or information that is relevant to the application; (b) or verify the correctness of the document.	23 February 2021	Executive Director Community and Building Services	14 December 2021	

Local Government	75(1)	In the specified circumstances, power to either grant or refuse a permit application.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	75(3)	Power to be satisfied that desexing is likely to be a serious risk to the health of the dog.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	75(5)	In the specified circumstances, power to impose a condition provided for under a regulation.	23 February 2021	Executive Director Community and Building Services	14 December 2021	

***Subdivision 2 – Action after decision on application***

Entity power given to	Section of AMCD	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	77(1)	Power to, as soon as practicable after deciding to grant a permit application, issue the applicant with a restricted dog permit for the restricted dog the subject of the application.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	79	Power to, as soon as practicable after deciding to refuse a permit application, give the applicant an information notice about the decision.	23 February 2021	Executive Director Community and Building Services	14 December 2021	

### Division 3 – Renewal of permit

Entity power given to	Section of AMCD	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	84(1)	In the specified circumstances, power to either grant or refuse a renewal application.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	84(4)(b)	Power to seek further documents or information in the way mentioned in section 74.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	84(5)(a)	In the specified circumstances, power to issue the applicant with a renewed restricted dog permit (a <b>renewal permit</b> ).	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	84(5)(b)	In the specified circumstances, power to give the applicant an information notice about the decision.	23 February 2021	Executive Director Community and Building Services	14 December 2021	

### Division 4 – Amendment of permits

Entity power given to	Section of AMCD	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	87(1)	In the specified circumstances, power to amend a restricted dog permit at any time, by giving the permit holder notice of the amendment and recording particulars of the amendment in the restricted dog register.	23 February 2021	Executive Director Community and Building Services	14 December 2021	

**Part 4 – Regulated dog declarations**

Entity power given to	Section of AMCD	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	89	Power to: (a) declare a particular dog to be a declared dangerous dog; (b) declare a particular dog to be a declared menacing dog; or (c) declare a particular dog to be a restricted dog.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	89(4)	Power to be satisfied a dog is of a breed mentioned in section 63(1).	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	90(1)	In the specified circumstances, the power to give any owner of a dog a proposed declaration notice.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	92	Power to withdraw a proposed declaration notice by giving a notice of the withdrawal to any owner of the dog.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	94(1)	Power to consider any written representations and evidence accompanying them within the period stated in the proposed declaration notice.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	94(2)	Power to:	23 February 2021	Executive Director	14 December 2021	

		(a) be satisfied that the relevant ground under section 89 still exists; and (b) make the regulated dog declaration for the dog.		Community and Building Services		
Local Government	95(1)	Power to give the owner of a dog the subject of the declaration notice a notice under subsection (3) or (4).	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	95(4)	Power to give an information notice about the decision.	23 February 2021	Executive Director Community and Building Services	14 December 2021	

#### Part 6 – Miscellaneous provisions

Entity power given to	Section of AMCD	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	100(3)	Power to destroy a surrendered regulated dog.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	102	In the specified circumstances, power to recover costs from the dogs owner or former owner if the incurring of the cost was necessary and reasonable.	23 February 2021	Executive Director Community and Building Services	14 December 2021	

## CHAPTER 5 – INVESTIGATION, MONITORING AND ENFORCEMENT

### Part 2 – Entry to places

#### Division 1 – Powers of entry

Entity power given to	Section of AMCD	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	114(1)	In the specified circumstances, the power to give notice of an approved inspection program.	23 February 2021	Executive Director Community and Building Services	14 December 2021	

## CHAPTER 7 - REGISTERS

### Part 1 – Registers kept by Chief Executive

Entity power given to	Section of AMCD	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Chief Executive Officer	173(1)(b)	Power to inspect information kept in the regulated dog register.	This power does not need to be delegated as it is given directly to the CEO under the Act.	Executive Director Community and Building Services	14 December 2021	
Chief Executive Officer	173B(1)(b)	Power to inspect information contained in the breeder register.	This power does not need to be delegated as it is given directly to	This power does not need to be sub-delegated as it is given directly to the CEO or a person engaged,		

			the CEO under the Act.	employed or appointed by the local government to perform functions under this Act or the Animal Care and Protection Act 2001.		
Chief Executive Officer	174(1)	Power to give the chief executive notice if: (a) a restricted dog is registered in the local government's area; or (b) the local government makes a regulated dog declaration for a dog in the local government's area.	This power does not need to be delegated as it is given directly to the CEO under the Act.	Executive Director Community and Building Services	14 December 2021	
Chief Executive Officer	175(2)	In the specified circumstances, the power to give the chief executive notice of the changed information or the holder's new residential address.	This power does not need to be delegated as it is given directly to the CEO under the Act.	Executive Director Community and Building Services	14 December 2021	
Chief Executive Officer	176(3)	In the specified circumstances, the power to give the chief executive a response within 28 days after receiving the request.	This power does not need to be delegated as it is given directly to the CEO under the Act.	Executive Director Community and Building Services	14 December 2021	

**Part 2 – Registers kept by local government places**

Entity power given to	Section of AMCD	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Chief Executive Officer	177(1)	Power to keep the following registers about dogs usually kept or proposed to be kept in the local government's area (collectively the <b>cat and dog registry</b> of the local government): (a) a general register; (b) another register prescribed under a regulation.	This power does not need to be delegated as it is given directly to the CEO under the Act.	Executive Director Community and Building Services	14 December 2021	

**CHAPTER 8 – REVIEWS**

**Part 1 – Internal review of decisions**

Entity power given to	Section of AMCD	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Chief Executive Officer	183(2)	Power to, at any time, extend the time for making a general review application.	This power does not need to be delegated as it is given directly to the CEO under the Act.	Executive Director Community and Building Services	14 December 2021	
Chief Executive Officer	185A(2)	In the specified circumstances, power to conduct an internal review of the decisions at the same time under section 186.	This power does not need to be delegated as it is given directly to the CEO under the Act.	Executive Director Community and Building Services	14 December 2021	

Chief Executive Officer	186(1)	In the specified circumstances, power to: (a) conduct an internal review of the original decision the subject of the application; and (b) make a decision (the <b>internal review decision</b> ) to: (i) confirm the original decision; (ii) amend the original decision; or (iii). substitute another decision for the original decision.	This power does not need to be delegated as it is given directly to the CEO under the Act.	Executive Director Community and Building Services	14 December 2021	
Chief Executive Officer	187(2)	In the specified circumstances, power to give the applicant notice of the internal review decision.	This power does not need to be delegated as it is given directly to the CEO under the Act.	Executive Director Community and Building Services	14 December 2021	

## CHAPTER 9 – MISCELLANEOUS PROVISIONS

### Part 5 – Miscellaneous

Entity power given to	Section of AMCD	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Chief Executive Officer	207C(2)(a)	Power to use information obtained under section 173B(1) or 207B to perform a function under this Act.	This power does not need to be delegated as it is given directly to	This power does not need to be sub-delegated as it is given directly to the CEO or a person engaged,		

			the CEO under the Act.	employed or appointed by the local government to perform functions under this Act or the Animal Care and Protection Act 2001.		
Chief Executive Officer	209(2)	Power to approve forms for use under this Act.	This power does not need to be delegated as it is given directly to the CEO under the Act.	Executive Director Community and Building Services	14 December 2021	

## CHAPTER 10 – TRANSITIONAL PROVISIONS

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

Entity power given to	Section of AMCD	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	212(3)	In the specified circumstances, the power to include other information in the restricted dog register which the local government considers appropriate.	23 February 2021	Executive Director Community and Building Services	14 December 2021	

**Part 4 – Transitional provisions for Agriculture and Forestry Legislation Amendment Act 2013**

**Division 3 – Continuation of cat registration for local governments**

<b>Entity power given to</b>	<b>Section of AMCD</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	228(3)	Power to consider appropriate a portion of the fee the local government may refund, having regard to the period of the registration stated on the registration notice that remains after the commencement.	23 February 2021	Executive Director Community and Building Services	14 December 2021	

[2017 05 26 - AMCD - Delegation Table]

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

**David Baldwin**  
Acting Chief Executive Officer  
**Torres Strait Island Regional Council**

**Position:** Executive Director of Community and Building Services

## POWERS SUB-DELEGATED

### *Animal Management (Cats and Dogs) Act 2008 ("AMCD")*

#### CHAPTER 2 – IDENTIFICATION OF CATS AND DOGS

##### Part 1 – Prescribed permanent identification devices

##### Division 6 – Giving identifying information

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

##### Part 2 – Desexing tattoos

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

#### CHAPTER 3 – DOG REGISTRATION

##### Part 2 – How dog is registered

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

##### Part 3 - Amendment of registration

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

## Part 4 - Renewal of registration

Entity power given to	Section of AMCD	Description
Chief Executive Officer	56(1)	Power to give the owner of a cat or dog a notice to renew the registration for the cat or dog (a <b>renewal notice</b> ).
Chief Executive Officer	58(2)	In the specified circumstances, power to ask the owner for more information or documents required to be given in the notice mentioned in section 48.
Chief Executive Officer	58(4)	In specified circumstances, power to: (a) Ensure that the information is updated in the appropriate register in a way that reflects the change; and (b) to give the owner of a cat or dog any registration device for the cat or dog.

## CHAPTER 4 – REGULATED DOGS

### Part 1 – Preliminary

#### Division 2 – Interpretation

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

### Part 3 – Restricted dog permits

#### Division 1 – Obtaining permit for restricted dog

##### Subdivision 1 – Permit applications

Entity power given to	Section of AMCD	Description
Local Government	74(1)	After a permit application has been made, power to, by notice, require the applicant to: (a) give a stated document or information that is relevant to the application; (b) or verify the correctness of the document.
Local Government	75(1)	In the specified circumstances, power to either grant or refuse a permit application.
Local Government	75(3)	Power to be satisfied that desexing is likely to be a serious risk to the health of the dog.
Local Government	75(5)	In the specified circumstances, power to impose a condition provided for under a regulation.

##### Subdivision 2 – Action after decision on application

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

Local Government	79	Power to, as soon as practicable after deciding to refuse a permit application, give the applicant an information notice about the decision.
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### Division 3 – Renewal of permit

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

### Division 4 – Amendment of permits

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

### Part 4 – Regulated dog declarations

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

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**Part 6 – Miscellaneous provisions**

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

**CHAPTER 5 – INVESTIGATION, MONITORING AND ENFORCEMENT**

**Part 2 – Entry to places**

**Division 1 – Powers of entry**

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

**CHAPTER 7 - REGISTERS**

**Part 1 – Registers kept by Chief Executive**

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

**Part 2 – Registers kept by local government places**

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

## CHAPTER 8 – REVIEWS

### Part 1 – Internal review of decisions

Entity power given to	Section of AMCD	Description
Chief Executive Officer	183(2)	Power to, at any time, extend the time for making a general review application.
Chief Executive Officer	185A(2)	In the specified circumstances, power to conduct an internal review of the decisions at the same time under section 186.
Chief Executive Officer	186(1)	In the specified circumstances, power to: (a) conduct an internal review of the original decision the subject of the application; and (b) make a decision (the <b>internal review decision</b> ) to: (i) confirm the original decision; (ii) amend the original decision; or (iii). substitute another decision for the original decision.
Chief Executive Officer	187(2)	In the specified circumstances, power to give the applicant notice of the internal review decision.

## CHAPTER 9 – MISCELLANEOUS PROVISIONS

### Part 5 – Miscellaneous

Entity power given to	Section of AMCD	Description
Chief Executive Officer	209(2)	Power to approve forms for use under this Act.

## CHAPTER 10 – TRANSITIONAL PROVISIONS

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

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

### Part 4 – Transitional provisions for Agriculture and Forestry Legislation Amendment Act 2013

#### Division 3 – Continuation of cat registration for local governments

Entity power given to	Section of AMCD	Description
Local Government	228(3)	Power to consider appropriate a portion of the fee the local government may refund, having regard to the period of the registration stated on the registration notice that remains after the commencement.



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

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

[2017 05 26 - AMCD - Sub-Delegation Instrument]

### **Conditions imposed on all Delegations**

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

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

# INSTRUMENT OF SUB-DELEGATION

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

Under section 259 of the *Local Government Act 2009*, I, **David Baldwin**, Acting 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 **23 February 2021** to delegate those powers to the Chief Executive Officer.

DATED this 14 day of 12 2021.

  
\_\_\_\_\_  
**David Baldwin**  
Acting Chief Executive Officer  
**Torres Strait Island Regional Council**

# **INSTRUMENT OF DELEGATION**

## **Torres Strait Island Regional Council** ***Biosecurity Act 2014 ("BIOA")***

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

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

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

**Biosecurity Act 2014 ("BIOA")****CHAPTER 3 – MATTERS RELATING TO LOCAL GOVERNMENTS****Part 2 – Biosecurity plans for local government areas**

Entity power given to	Section of BIOA	Description
Local Government	53(1)	Power to prepare a biosecurity plan.

**Part 3 – Land protection fund**

Entity power given to	Section of BIOA	Description
Local Government	59	In the specified circumstances, the power to consult with the Chief Executive about suitability and priority of the activities.

**CHAPTER 4 – INVASIVE ANIMAL BARRIER FENCING****Part 2 – Barrier fences****Division 1 – Identification of the barrier fence**

Entity power given to	Section of BIOA	Description
Building Authority	91(3)(a)	Power to consult with chief executive about proposed amendments to the barrier fence map.

**Division 2 – Maintaining barrier fences**

Entity power given to	Section of BIOA	Description
Building Authority	94(2)	Power to: (a) obtain the occupier's consent to the entry; or (b) to give the occupier notice of: (i) the intended entry; and (ii) the purpose of the entry; and (iii) the proposed dates and time of entry.
Building Authority	94(3)	Power to be satisfied it is impracticable to give the notice under subsection (2)(b) to instead: (a) publish the notice in a newspaper circulating in the area in which the place is situated; or (b) place the notice conspicuously on the place.
Building Authority	94(5)	Power to consider it necessary to enter the land because of urgent circumstances and power to give the occupier only the notice that is reasonably practicable in the circumstances.
Building Authority	95(1)	Power to enter into agreement with another person about making an opening in the fence for a particular purpose and period.
Building Authority	96(1)	Power to form a reasonable belief that a person has unlawfully damaged, or made an opening in the fence.

Building Authority	96(2)	Power to give notice to the person, requiring the person to restore the fence to its condition before the damage or opened.
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### Part 3 – Barrier fence employees

Entity power given to	Section of BIOA	Description
Building Authority	100(1)	Power to by instrument in writing, appoint a person employed or engaged by the authority to exercise powers under this Act in relation to the barrier fence (a <b>barrier fence employee</b> ).
Building Authority	101(2)	Power to give directions to a <b>barrier fence employee</b> .

## CHAPTER 5 – CODES OF PRACTICE AND GUIDELINES

### Part 1 – Codes of practice

Entity power given to	Section of BIOA	Description
Relevant entity	105(1)	Power to consult with the chief executive before a code of practice is recommended to the Governor in Council.

### Part 3 – Consultation and notification

Entity power given to	Section of BIOA	Description
Chief Executive Officer	235(1)(b)	Power to authorise and carry out a biosecurity program (a <b>program authorisation</b> ).
Chief Executive Officer	235(1)(c)	Power to form agreement about a program authorisation.
Chief Executive Officer	235(1)(d)	Power to agree with the Chief Executive Officer of other local governments to authorise and carry out a biosecurity program.
Local Government	239(2)	Power, before authorising a biosecurity plan, to consult with: <ul style="list-style-type: none"> <li>(a) the chief executive; and</li> <li>(b) an invasive animal board: <ul style="list-style-type: none"> <li>(i) with an operational area in or adjoining the local government's area; and</li> <li>(ii) responsible for the management of an invasive animal that is biosecurity matter to which the program applies.</li> </ul> </li> </ul>
Local Government	239(3)(b)	Power to consult with an invasive animal board.

## CHAPTER 10 – APPOINTMENT AND POWERS OF OFFICERS

### Part 1 – General matters about inspectors and authorised persons

#### Division 2 – Appointment of Authorised Person

Entity power given to	Section of BIOA	Description
Chief Executive Officer	246(2)	Power to appoint the following persons as authorised persons: <ul style="list-style-type: none"> <li>(a) an employee of the local government;</li> <li>(b) if another local government consents—an employee of the other local government;</li> </ul>

		(c) another person who has entered into a contract, or is employed by an entity that has entered into a contract, with the local government to perform a function under this Act.
Local Government	246(2)(b)	Power to consent to an employee of the local government to be appointed as an authorised person for another local government.
Chief Executive Officer	246(3)	In the specified circumstances, the power to appoint an authorised person.
Chief Executive Officer	246(5)	Power to be satisfied a person is appropriately qualified.

## Part 2 – Entry to places by Authorised Officers

Entity power given to	Section of BIOA	Description
Issuing Authority by its employees or agents	263(2)	Power to enter a place at reasonable times to take steps as stated in an order.
Issuing Authority by its employees or agents	264(2)	Power to enter a place at reasonable times and to take the action at the place that is required under the direction.
Issuing Authority by its employees or agents	271(2)	Power to make a reasonable attempt to locate and obtain the occupier's consent to the entry.
Issuing Authority by its employees or agents	271(3)	Power to enter a place if: (a) the person is unable to locate an occupier after making a reasonable attempt to do so; or (b) the occupier refuses to consent to the entry.
Issuing Authority	271(4)	In the specified circumstances, the power to make reasonable attempts to: (a) either: (i) if the person is an employee or agent of the issuing authority—produce the issuing authority's written authority to enter the place, and sufficient evidence to identify the person as a person who may enter under the authority, for the occupier's inspection; or (ii) if the person is an authorised officer—produce the authorised officer's identity card for the occupier's inspection; and (b) inform the occupier: (i) of the reason for entering the place; and (ii) that the person is authorised under this Act to enter the place without the permission of the occupier.
Issuing Authority	271(5)	In the specified circumstances, the power to leave a notice in a conspicuous position and in a reasonably secure way stating the date, time and purpose of the entry.

## Part 4 – Other Authorised Officers' powers and related matters

Entity power given to	Section of BIOA	Description
Administrator for a relevant entity	310(1)	In the specified circumstances, the power to decide a seized thing is forfeited.

(Chief Executive Officer)		
Administrator for a relevant entity (Chief Executive Officer)	310(1)(a)	Power to make reasonable enquires to find the owner of a thing seized.
Administrator for a relevant entity (Chief Executive Officer)	310(1)(b)	Power to make reasonable efforts to return a thing seized to the owner.
Administrator for a relevant entity (Chief Executive Officer)	310(1)(c)	Power to: <ul style="list-style-type: none"> <li>(i) reasonably consider that, because of the thing's inherent nature or condition, the return of the thing is likely to result in a recurrence of the biosecurity risk in relation to which the thing was seized; or</li> <li>(ii) at the end of 6 months, reasonably believes that the return of the thing is likely to result in a recurrence of the biosecurity risk in relation to which the thing was seized.</li> </ul>
Administrator for a relevant entity (Chief Executive Officer)	310(1)(d)	Power to form a reasonable belief that it is necessary to keep a thing to prevent it from being used to commit the offence for which it was seized.
Administrator for a relevant entity (Chief Executive Officer)	312(2)	Power to give an information notice.

**Subdivision 5 – Dealing with property forfeited or transferred to the relevant entity or the state**

Entity power given to	Section of BIOA	Description
Relevant Administrator (Chief Executive Officer)	317(2)	Power to deal with a thing as considered appropriate.
Relevant Administrator (Chief Executive Officer)	317(4)	Power to return proceeds of the sale of a thing forfeited to the owner of the thing, after deducting the costs of the sale.

**Part 5 – Provisions relating to designated officers**

**Division 1 – Identity cards**

Entity power given to	Section of BIOA	Description
Administering Executive – Local Government	329(1)	Power to issue an identity card to each designated officer.

## CHAPTER 12 – EVIDENCE, LEGAL PROCEEDINGS AND REVIEWS

### Part 3 – Reviews

#### Division 1 – Internal reviews

Entity power given to	Section of BIOA	Description
Issuing Authority – Local Government	365(1)	Power to conduct an internal review and make a decision.
Issuing Authority – Local Government	366(1)	Power to give a notice of the decision to the applicant.

## CHAPTER 13 – BIOSECURITY ORDERS AND INJUNCTIONS

### Part 1 – Biosecurity orders

#### Division 1 – General matters about biosecurity orders

Entity power given to	Section of BIOA	Description
Chief Executive Officer	378(2)	Power to approve a biosecurity order.
Administering Executive – Local Government	379(1)	Power to keep a register of all biosecurity orders of an authorised officer.
Administering Executive – Local Government	379(3)	Power to be satisfied that no further action is required in relation to a biosecurity order and the power to remove an order from the register.

#### Division 2 – Recovery of costs and expenses

Entity power given to	Section of BIOA	Description
Issuing Authority – Local Government	380(1)	Power to recover the amount that the issuing authority properly and reasonably incurs in taking the steps under section 263 as a debt payable by the person who failed to take the action to the issuing authority.
Issuing Authority – Local Government	380(2)	Power to give the person notice of the amount of the debt.
Local Government	381(3)	Power to register a charge over the land for an unpaid amount.
Local Government	381(5)(a)	In the specified circumstances, the power to lodge a request to release the charge over the land.
Local Government	381(5)(b)	In the specified circumstances, the power to lodge a certificate signed by the Chief Executive Officer stating the unpaid amount has been paid.

### Part 2 – Injunctions

Chief Executive Officer	386(1)	In the specified circumstances, the power to apply for an injunction.
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## CHAPTER 18 – MISCELLANEOUS

Entity power given to	Section of BIOA	Description
Administrator (Chief Executive Officer)	494(2)	Power to ensure the information is not included in: (a) a part of the register that is available to the public; or (b) a copy of information from the register whether or not the information is from a part of the register that is available to the public

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

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

[2017 07 03 - BIOA - Delegation Instrument]

### **Conditions imposed on all Delegations**

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

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

## **DELEGABLE POWERS UNDER THE BIOSECURITY ACT 2014 ("BIOA")**

### **CHAPTER 3 – MATTERS RELATING TO LOCAL GOVERNMENTS**

#### **Part 2 – Biosecurity plans for local government areas**

<b>Entity power given to</b>	<b>Section of BIOA</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(1)	Power to prepare a biosecurity plan.	23 February 2021	Executive Director Community and Building Services	14 December 2021	

#### **Part 3 – Land protection fund**

<b>Entity power given to</b>	<b>Section of BIOA</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	In the specified circumstances, the power to consult with the Chief Executive about suitability and priority of the activities.	23 February 2021	Executive Director Community and Building Services	14 December 2021	

## CHAPTER 4 – INVASIVE ANIMAL BARRIER FENCING

### Part 2 – Barrier fences

#### Division 1 – Identification of the barrier fence

Entity power given to	Section of BIOA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Building Authority	91(3)(a)	Power to consult with chief executive about proposed amendments to the barrier fence map.	23 February 2021	Executive Director Community and Building Services	14 December 2021	

#### Division 2 – Maintaining barrier fences

Entity power given to	Section of BIOA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Building Authority	94(2)	Power to: (a) obtain the occupier's consent to the entry; or (b) to give the occupier notice of: (i) the intended entry; and (ii) the purpose of the entry; and (iii) the proposed dates and time of entry.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Building Authority	94(3)	Power to be satisfied it is impracticable to give the notice under subsection (2)(b) to instead: (a) publish the notice in a newspaper circulating in the area in which the place is situated; or (b) place the notice conspicuously on the place.	23 February 2021	Executive Director Community and Building Services	14 December 2021	

Building Authority	94(5)	Power to consider it necessary to enter the land because of urgent circumstances and power to give the occupier only the notice that is reasonably practicable in the circumstances.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Building Authority	95(1)	Power to enter into agreement with another person about making an opening in the fence for a particular purpose and period.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Building Authority	96(1)	Power to form a reasonable belief that a person has unlawfully damaged, or made an opening in the fence.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Building Authority	96(2)	Power to give notice to the person, requiring the person to restore the fence to its condition before the damage or opened.	23 February 2021	Executive Director Community and Building Services	14 December 2021	

**Part 3 – Barrier fence employees**

Entity power given to	Section of BIOA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Building Authority	100(1)	Power to by instrument in writing, appoint a person employed or engaged by the authority to exercise powers under this Act in relation to the barrier fence (a <b>barrier fence employee</b> ).	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Building Authority	101(2)	Power to give directions to a <b>barrier fence employee</b> .	23 February 2021	Executive Director Community and Building Services	14 December 2021	

## CHAPTER 5 – CODES OF PRACTICE AND GUIDELINES

### Part 1 – Codes of practice

Entity power given to	Section of BIOA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Relevant entity	105(1)	Power to consult with the chief executive before a code of practice is recommended to the Governor in Council.	23 February 2021	Executive Director Community and Building Services	14 December 2021	

### Part 3 – Consultation and notification

Entity power given to	Section of BIOA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Chief Executive Officer	235(1)(b)	Power to authorise and carry out a biosecurity program (a <b><i>program authorisation</i></b> ).	The power is given directly to the CEO under the legislation and therefore, does not need to be delegated by Council.	Executive Director Community and Building Services	14 December 2021	
Chief Executive Officer	235(1)(c)	Power to form agreement about a program authorisation.	The Power is given directly to the CEO under the legislation and, therefore, does not need to be delegated by Council.	Executive Director Community and Building Services	14 December 2021	

Chief Executive Officer	235(1)(d)	Power to agree with the Chief Executive Officer of other local governments to authorise and carry out a biosecurity program.	The Power is given directly to the CEO under the legislation and, therefore, does not need to be delegated by Council.	Executive Director Community and Building Services	14 December 2021	
Local Government	239(2)	Power, before authorising a biosecurity plan, to consult with: (a) the chief executive; and (b) an invasive animal board: (i) with an operational area in or adjoining the local government's area; and (ii) responsible for the management of an invasive animal that is biosecurity matter to which the program applies.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	239(3)(b)	Power to consult with an invasive animal board.	23 February 2021	Executive Director Community and Building Services	14 December 2021	

## CHAPTER 10 – APPOINTMENT AND POWERS OF OFFICERS

### Part 1 – General matters about inspectors and authorised persons

#### Division 2 – Appointment of Authorised Person

Entity power given to	Section of BIOA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Chief Executive Officer	246(2)	Power to appoint the following persons as authorised persons: (a) an employee of the local government; (b) if another local government consents—an employee of the other local government; (c) another person who has entered into a contract, or is employed by an entity that has entered into a contract, with the local government to perform a function under this Act.	The Power is given directly to the CEO under the legislation and, therefore, does not need to be delegated by Council.	Executive Director Community and Building Services	14 December 2021	
Local Government	246(2)(b)	Power to consent to an employee of the local government to be appointed as an authorised person for another local government.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Chief Executive Officer	246(3)	In the specified circumstances, the power to appoint an authorised person.	The Power is given directly to the CEO under the legislation and, therefore, does not need to be delegated by Council.	Executive Director Community and Building Services	14 December 2021	

Chief Executive Officer	246(5)	Power to be satisfied a person is appropriately qualified.	The Power is given directly to the CEO under the legislation and, therefore, does not need to be delegated by Council.	Executive Director Community and Building Services	14 December 2021	
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**Part 2 – Entry to places by Authorised Officers**

Entity power given to	Section of BIOA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Issuing Authority by its employees or agents	263(2)	Power to enter a place at reasonable times to take steps as stated in an order.	Delegation not required as power is exercisable through employees/agents	N/A	N/A	
Issuing Authority by its employees or agents	264(2)	Power to enter a place at reasonable times and to take the action at the place that is required under the direction.	Delegation not required as power is exercisable through employees/agents	N/A	N/A	
Issuing Authority by its employees or agents	271(2)	Power to make a reasonable attempt to locate and obtain the occupier's consent to the entry.	Delegation not required as power is exercisable through employees/agents	N/A	N/A	

Issuing Authority by its employees or agents	271(3)	<p>Power to enter a place if:</p> <p>(a) the person is unable to locate an occupier after making a reasonable attempt to do so; or</p> <p>(b) the occupier refuses to consent to the entry.</p>	Delegation not required as power is exercisable through employees/agents	N/A	N/A	
Issuing Authority	271(4)	<p>In the specified circumstances, the power to make reasonable attempts to:</p> <p>(c) either:</p> <p>(iii) if the person is an employee or agent of the issuing authority—produce the issuing authority’s written authority to enter the place, and sufficient evidence to identify the person as a person who may enter under the authority, for the occupier’s inspection; or</p> <p>(iv) if the person is an authorised officer—produce the authorised officer’s identity card for the occupier’s inspection; and</p> <p>(d) inform the occupier:</p> <p>(iii) of the reason for entering the place; and</p> <p>(iv) that the person is authorised under this Act to enter the place without the permission of the occupier.</p>	Delegation not required as power is exercisable through employees/agents	N/A	N/A	
Issuing Authority	271(5)	In the specified circumstances, the power to leave a notice in a conspicuous position and in a reasonably secure way	Delegation not required as power is	N/A	N/A	

		stating the date, time and purpose of the entry.	exercisable through employees/agents			
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**Part 4 – Other Authorised Officers' powers and related matters**

Entity power given to	Section of BIOA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administrator for a relevant entity (Chief Executive Officer)	310(1)	In the specified circumstances, the power to decide a seized thing is forfeited.	The Power is given directly to the CEO as the administrator under the legislation and, therefore, does not need to be delegated by Council.	Executive Director Community and Building Services	14 December 2021	
Administrator for a relevant entity (Chief Executive Officer)	310(1)(a)	Power to make reasonable enquires to find the owner of a thing seized.	The Power is given directly to the CEO as the administrator under the legislation and, therefore, does not need to be delegated by Council.	Executive Director Community and Building Services	14 December 2021	
Administrator for a relevant entity (Chief	310(1)(b)	Power to make reasonable efforts to return a thing seized to the owner.	The Power is given directly to the CEO as the administrator under the	Executive Director Community and Building Services	14 December 2021	

Executive Officer)			legislation and, therefore, does not need to be delegated by Council.			
Administrator for a relevant entity (Chief Executive Officer)	310(1)(c)	Power to: (i) reasonably consider that, because of the thing's inherent nature or condition, the return of the thing is likely to result in a recurrence of the biosecurity risk in relation to which the thing was seized; or (ii) at the end of 6 months, reasonably believes that the return of the thing is likely to result in a recurrence of the biosecurity risk in relation to which the thing was seized.	The Power is given directly to the CEO as the administrator under the legislation and, therefore, does not need to be delegated by Council.	Executive Director Community and Building Services	14 December 2021	
Administrator for a relevant entity (Chief Executive Officer)	310(1)(d)	Power to form a reasonable belief that it is necessary to keep a thing to prevent it from being used to commit the offence for which it was seized.	The Power is given directly to the CEO as the administrator under the legislation and, therefore, does not need to be delegated by Council.	Executive Director Community and Building Services	14 December 2021	
Administrator for a relevant entity (Chief Executive Officer)	312(2)	Power to give an information notice.	The Power is given directly to the CEO as administrator under the legislation and, therefore, does not need to be	Executive Director Community and Building Services	14 December 2021	

			delegated by Council.			
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**Subdivision 5 – Dealing with property forfeited or transferred to the relevant entity or the state**

<b>Entity power given to</b>	<b>Section of BIOA</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>
Relevant Administrator (Chief Executive Officer)	317(2)	Power to deal with a thing as considered appropriate.	The Power is given directly to the CEO as the relevant administrator under the legislation and, therefore, does not need to be delegated by Council.	Executive Director Community and Building Services	14 December 2021	
Relevant Administrator (Chief Executive Officer)	317(4)	Power to return proceeds of the sale of a thing forfeited to the owner of the thing, after deducting the costs of the sale.	The Power is given directly to the CEO as the relevant administrator under the legislation and, therefore, does not need to be delegated by Council.	Executive Director Community and Building Services	14 December 2021	

**Part 5 – Provisions relating to designated officers**

**Division 1 – Identity cards**

<b>Entity power given to</b>	<b>Section of BIOA</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>
Administerin g Executive – Local Government	329(1)	Power to issue an identity card to each designated officer.	23 February 2021	Executive Director Community and Building Services	14 December 2021	

**CHAPTER 12 – EVIDENCE, LEGAL PROCEEDINGS AND REVIEWS**

**Part 3 – Reviews**

**Division 1 – Internal reviews**

<b>Entity power given to</b>	<b>Section of BIOA</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>
Issuing Authority – Local Government	365(1)	Power to conduct an internal review and make a decision.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Issuing Authority – Local Government	366(1)	Power to give a notice of the decision to the applicant.	23 February 2021	Executive Director Community and Building Services	14 December 2021	

## CHAPTER 13 – BIOSECURITY ORDERS AND INJUNCTIONS

### Part 1 – Biosecurity orders

#### Division 1 – General matters about biosecurity orders

Entity power given to	Section of BIOA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Chief Executive Officer	378(2)	Power to approve a biosecurity order.	The Power is given directly to the CEO under the legislation and, therefore, does not need to be delegated by Council.	Executive Director Community and Building Services	14 December 2021	
Administering Executive – Local Government	379(1)	Power to keep a register of all biosecurity orders of an authorised officer.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Administering Executive – Local Government	379(3)	Power to be satisfied that no further action is required in relation to a biosecurity order and the power to remove an order from the register.	23 February 2021	Executive Director Community and Building Services	14 December 2021	

#### Division 2 – Recovery of costs and expenses

Entity power given to	Section of BIOA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Issuing Authority –	380(1)	Power to recover the amount that the issuing authority properly and reasonably incurs in taking the steps under section 263 as a debt payable by	23 February 2021	Executive Director	14 December 2021	

Local Government		the person who failed to take the action to the issuing authority.		Community and Building Services		
Issuing Authority – Local Government	380(2)	Power to give the person notice of the amount of the debt.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	381(3)	Power to register a charge over the land for an unpaid amount.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	381(5)(a)	In the specified circumstances, the power to lodge a request to release the charge over the land.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	381(5)(b)	In the specified circumstances, the power to lodge a certificate signed by the Chief Executive Officer stating the unpaid amount has been paid.	23 February 2021	Executive Director Community and Building Services	14 December 2021	

**Part 2 – Injunctions**

Chief Executive Officer	386(1)	In the specified circumstances, the power to apply for an injunction.	The Power is given directly to the CEO under the legislation and, therefore, does not need to be delegated by Council.	Executive Director Community and Building Services	14 December 2021	
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## CHAPTER 18 – MISCELLANEOUS

Entity power given to	Section of BIOA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administrator (Chief Executive Officer)	494(2)	Power to ensure the information is not included in: (a) a part of the register that is available to the public; or (b) a copy of information from the register whether or not the information is from a part of the register that is available to the public	The Power is given directly to the CEO under the legislation and, therefore, does not need to be delegated by Council.	Executive Director Community and Building Services	14 December 2021	

[2017 07 03 - BIOA - Delegation Table]

## INSTRUMENT OF SUB-DELEGATION

**Torres Strait Island Regional Council**  
***Biosecurity Act 2014 ("BIOA")***

Under section 259 of the *Local Government Act 2009*, I, **David Baldwin**, Acting 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 **23 February 2021** to delegate those powers to the Chief Executive Officer.

**DATED** this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

**David Baldwin**  
Acting Chief Executive Officer  
**Torres Strait Island Regional Council**

**Position:** Executive Director of Community and Building Services

## POWERS SUB-DELEGATED

### *Biosecurity Act 2014 ("BIOA")*

#### CHAPTER 3 – MATTERS RELATING TO LOCAL GOVERNMENTS

##### Part 2 – Biosecurity plans for local government areas

Entity power given to	Section of BIOA	Description
Local Government	53(1)	Power to prepare a biosecurity plan.

##### Part 3 – Land protection fund

Entity power given to	Section of BIOA	Description
Local Government	59	In the specified circumstances, the power to consult with the Chief Executive about suitability and priority of the activities.

#### CHAPTER 4 – INVASIVE ANIMAL BARRIER FENCING

##### Part 2 – Barrier fences

###### Division 1 – Identification of the barrier fence

Entity power given to	Section of BIOA	Description
Building Authority	91(3)(a)	Power to consult with chief executive about proposed amendments to the barrier fence map.

###### Division 2 – Maintaining barrier fences

Entity power given to	Section of BIOA	Description
Building Authority	94(2)	Power to: (a) obtain the occupier's consent to the entry; or (b) to give the occupier notice of: (i) the intended entry; and (ii) the purpose of the entry; and (iii) the proposed dates and time of entry.
Building Authority	94(3)	Power to be satisfied it is impracticable to give the notice under subsection (2)(b) to instead: (a) publish the notice in a newspaper circulating in the area in which the place is situated; or (b) place the notice conspicuously on the place.
Building Authority	94(5)	Power to consider it necessary to enter the land because of urgent circumstances and power to give the occupier only the notice that is reasonably practicable in the circumstances.
Building Authority	95(1)	Power to enter into agreement with another person about making an opening in the fence for a particular purpose and period.

Building Authority	96(1)	Power to form a reasonable belief that a person has unlawfully damaged, or made an opening in the fence.
Building Authority	96(2)	Power to give notice to the person, requiring the person to restore the fence to its condition before the damage or opened.

### Part 3 – Barrier fence employees

Entity power given to	Section of BIOA	Description
Building Authority	100(1)	Power to by instrument in writing, appoint a person employed or engaged by the authority to exercise powers under this Act in relation to the barrier fence (a <b>barrier fence employee</b> ).
Building Authority	101(2)	Power to give directions to a <b>barrier fence employee</b> .

## CHAPTER 5 – CODES OF PRACTICE AND GUIDELINES

### Part 1 – Codes of practice

Entity power given to	Section of BIOA	Description
Relevant entity	105(1)	Power to consult with the chief executive before a code of practice is recommended to the Governor in Council.

### Part 3 – Consultation and notification

Entity power given to	Section of BIOA	Description
Chief Executive Officer	235(1)(b)	Power to authorise and carry out a biosecurity program (a <b>program authorisation</b> ).
Chief Executive Officer	235(1)(c)	Power to form agreement about a program authorisation.
Chief Executive Officer	235(1)(d)	Power to agree with the Chief Executive Officer of other local governments to authorise and carry out a biosecurity program.
Local Government	239(2)	Power, before authorising a biosecurity plan, to consult with: <ul style="list-style-type: none"> <li>(a) the chief executive; and</li> <li>(b) an invasive animal board: <ul style="list-style-type: none"> <li>(i) with an operational area in or adjoining the local government's area; and</li> <li>(ii) responsible for the management of an invasive animal that is biosecurity matter to which the program applies.</li> </ul> </li> </ul>
Local Government	239(3)(b)	Power to consult with an invasive animal board.

## CHAPTER 10 – APPOINTMENT AND POWERS OF OFFICERS

### Part 1 – General matters about inspectors and authorised persons

#### Division 2 – Appointment of Authorised Person

Entity power given to	Section of BIOA	Description
Chief Executive Officer	246(2)	Power to appoint the following persons as authorised persons: <ul style="list-style-type: none"> <li>(a) an employee of the local government;</li> </ul>

		<p>(b) if another local government consents—an employee of the other local government;</p> <p>(c) another person who has entered into a contract, or is employed by an entity that has entered into a contract, with the local government to perform a function under this Act.</p>
Local Government	246(2)(b)	Power to consent to an employee of the local government to be appointed as an authorised person for another local government.
Chief Executive Officer	246(3)	In the specified circumstances, the power to appoint an authorised person.
Chief Executive Officer	246(5)	Power to be satisfied a person is appropriately qualified.

#### **Part 4 – Other Authorised Officers' powers and related matters**

<b>Entity power given to</b>	<b>Section of BIOA</b>	<b>Description</b>
Administrator for a relevant entity (Chief Executive Officer)	310(1)	In the specified circumstances, the power to decide a seized thing is forfeited.
Administrator for a relevant entity (Chief Executive Officer)	310(1)(a)	Power to make reasonable enquires to find the owner of a thing seized.
Administrator for a relevant entity (Chief Executive Officer)	310(1)(b)	Power to make reasonable efforts to return a thing seized to the owner.
Administrator for a relevant entity (Chief Executive Officer)	310(1)(c)	<p>Power to:</p> <p>(i) reasonably consider that, because of the thing's inherent nature or condition, the return of the thing is likely to result in a recurrence of the biosecurity risk in relation to which the thing was seized; or</p> <p>(ii) at the end of 6 months, reasonably believes that the return of the thing is likely to result in a recurrence of the biosecurity risk in relation to which the thing was seized.</p>
Administrator for a relevant entity (Chief Executive Officer)	310(1)(d)	Power to form a reasonable belief that it is necessary to keep a thing to prevent it from being used to commit the offence for which it was seized.
Administrator for a relevant entity (Chief Executive Officer)	312(2)	Power to give an information notice.

**Subdivision 5 – Dealing with property forfeited or transferred to the relevant entity or the state**

<b>Entity power given to</b>	<b>Section of BIOA</b>	<b>Description</b>
Relevant Administrator (Chief Executive Officer)	317(2)	Power to deal with a thing as considered appropriate.
Relevant Administrator (Chief Executive Officer)	317(4)	Power to return proceeds of the sale of a thing forfeited to the owner of the thing, after deducting the costs of the sale.

**Part 5 – Provisions relating to designated officers**

**Division 1 – Identity cards**

<b>Entity power given to</b>	<b>Section of BIOA</b>	<b>Description</b>
Administering Executive – Local Government	329(1)	Power to issue an identity card to each designated officer.

**CHAPTER 12 – EVIDENCE, LEGAL PROCEEDINGS AND REVIEWS**

**Part 3 – Reviews**

**Division 1 – Internal reviews**

<b>Entity power given to</b>	<b>Section of BIOA</b>	<b>Description</b>
Issuing Authority – Local Government	365(1)	Power to conduct an internal review and make a decision.
Issuing Authority – Local Government	366(1)	Power to give a notice of the decision to the applicant.

**CHAPTER 13 – BIOSECURITY ORDERS AND INJUNCTIONS**

**Part 1 – Biosecurity orders**

**Division 1 – General matters about biosecurity orders**

<b>Entity power given to</b>	<b>Section of BIOA</b>	<b>Description</b>
Chief Executive Officer	378(2)	Power to approve a biosecurity order.
Administering Executive – Local Government	379(1)	Power to keep a register of all biosecurity orders of an authorised officer.
Administering Executive – Local Government	379(3)	Power to be satisfied that no further action is required in relation to a biosecurity order and the power to remove an order from the register.

## Division 2 – Recovery of costs and expenses

Entity power given to	Section of BIOA	Description
Issuing Authority – Local Government	380(1)	Power to recover the amount that the issuing authority properly and reasonably incurs in taking the steps under section 263 as a debt payable by the person who failed to take the action to the issuing authority.
Issuing Authority – Local Government	380(2)	Power to give the person notice of the amount of the debt.
Local Government	381(3)	Power to register a charge over the land for an unpaid amount.
Local Government	381(5)(a)	In the specified circumstances, the power to lodge a request to release the charge over the land.
Local Government	381(5)(b)	In the specified circumstances, the power to lodge a certificate signed by the Chief Executive Officer stating the unpaid amount has been paid.

## Part 2 – Injunctions

Chief Executive Officer	386(1)	In the specified circumstances, the power to apply for an injunction.
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## CHAPTER 18 – MISCELLANEOUS

Entity power given to	Section of BIOA	Description
Administrator (Chief Executive Officer)	494(2)	Power to ensure the information is not included in: (a) a part of the register that is available to the public; or (b) a copy of information from the register whether or not the information is from a part of the register that is available to the public

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

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

[2017 07 03 - BIOA - Sub-Delegation Instrument]

### **Conditions imposed on all Delegations**

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

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

# INSTRUMENT OF SUB-DELEGATION

## **Torres Strait Island Regional Council** ***Biosecurity Act 2014 ("BIOA")***

Under section 259 of the *Local Government Act 2009*, I, **David Baldwin**, Acting 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 **23 February 2021** to delegate those powers to the Chief Executive Officer.

DATED this 14 day of 12 2021.

  
\_\_\_\_\_  
**David Baldwin**  
Acting Chief Executive Officer  
**Torres Strait Island Regional Council**

# **INSTRUMENT OF DELEGATION**

## **Torres Strait Island Regional Council** ***Building Act 1975 ("BUIA")***

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

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

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

**Building Act 1975 ("BUIA")****CHAPTER 4 – BUILDING ASSESSMENT PROVISIONS AND ASSESSING BUILDING DEVELOPMENT APPLICATIONS****Part 1 – Laws and other documents applying to building work****Division 1 – General provisions about the laws and documents applying to building work**

Entity power given to	Section of BUIA	Description
Local Government	37(2)	Power to give a building development approval for the work if the approval is given under the building assessment provisions in force immediately before the amendment.

**Part 2 – Persons responsible for assessing building development applications**

Entity power given to	Section of BUIA	Description
Local Government	51(2)	In the specified circumstances power to: <ul style="list-style-type: none"> <li>(a) receive, assess and decide the application;</li> <li>(b) appoint or employ a private certifier or another building certifier to perform building certifying functions for:               <ul style="list-style-type: none"> <li>(i) the application; and</li> <li>(ii) if the building development approval applied for is granted—the building work.</li> </ul> </li> </ul>
Local Government	52	In the specified circumstances power to issue the building development approval applied for only if: <ul style="list-style-type: none"> <li>(a) a local government building certifier has carried out the building assessment work for the application; and</li> <li>(b) the building certifier is appropriately licensed to carry out the building assessment work.</li> </ul>
Local Government	53(2)	In the specified circumstances power to accept and, without further checking, rely and act on the certificate or other document: <ul style="list-style-type: none"> <li>(a) the original application;</li> <li>(b) another building development application for all or part of the building work under the original application.</li> </ul>
Local Government	54(2)	In the specified circumstances, power to, without further checking, rely and act on the document for the purpose of making the document publicly available.

**Division 4 – Power of particular replacement assessment managers to decide status of development assessment process under planning act**

Entity power given to	Section of BUIA	Description
Assessment Manager	55(3)	In specified circumstances power to resume or start the application process at any stage of the development assessment process under the Planning Act the assessment manager considers appropriate.

**Part 4 – Requirements for and restrictions on assessing or approving building development applications**

Entity power given to	Section of BUIA	Description
Assessment Manager	63	Power for the assessment manager to approve a building application subject to the requirement in Part 4 as follows: (a) the fire safety management plan accompanying the application complies with the <i>Fire and Rescue Service Act 1990</i> , section 104FC, or (b) the building work involves an alternative solution, for performance requirements under the BCA, that includes a fire safety management procedure as a condition of the occupation and use of the building and the fire safety management plan adequately reflects the procedure.
Assessment Manager	65(2)	Power for the assessment manager to approve the building application (subject to conditions) if each registered holder of the easement or covenant has consented to the building work.
Assessment Manager	66(2)	Power for the assessment manager to approve the building application if the special structure: (a) complies with the building assessment provisions; and (b) reasonably provides for all of the following: (i) the safety of persons using the structure if there is a fire (including, for example, means of egress); (ii) the prevention and suppression of fire; (iii) the prevention of the spread of fire; (iv) the health and amenity of persons using the structure.
Assessment Manager	67(3)	In specified circumstances power for the assessment manager to approve the building application if subsections (3)(a) and (3)(b) have been complied with.
Assessment Manager	68(3)	Power for the assessment manager to approve a building application if the building certifier has decided the alterations do not unduly reduce the following: (a) the existing level of fire protection for persons accommodated in, or using, the building or structure; (b) the existing level of resistance to fire of the building or structure; (c) the existing safeguards against spread of fire to adjoining buildings or structures; (d) the existing level of emergency egress from the building or structure.

**Part 5 – Conditions of building development approvals**

**Division 1 – Conditions taken to be imposed**

Entity power given to	Section of BUIA	Description
Local Government	71(8)	Power to consult with any other entity the local government considers appropriate in deciding the application.
Local Government	71(9)	Power to decide the application.

Local Government	71(11)	Power to give the applicant and the assessment manager for the building work notice of the decision.
Assessment Manager	74(2)(b)	Power to require the person installing the service to give a copy of the notices to the assessment manager when they are given to QFRS.

### **Division 2 – Conditions that may be imposed**

<b>Entity power given to</b>	<b>Section of BUIA</b>	<b>Description</b>
Assessment Manager	80(2)	Power to include a condition that all, or a stated part, of the building or structure must comply with the building assessment provisions in force when the approval was granted.

## **Part 7 – Provisions about lapsing of building development approvals and related matters**

### **Division 1 – Building work for demolition or removal**

<b>Entity power given to</b>	<b>Section of BUIA</b>	<b>Description</b>
Local Government	92(2)	Power to in the specified circumstances take action considered necessary to complete the building work.
Local Government	92(5)	In the specified circumstances power to authorise the use of all or part of any security given to the local government for the carrying out of the building work.
Local Government	93(1)	Power to, at any time, having regard to the progress of the building work, refund or release part of any security.

### **Division 2 – Other building work**

<b>Entity power given to</b>	<b>Section of BUIA</b>	<b>Description</b>
Assessment Manager	95(1)(a) and (b)	Power for assessment manager to give a reminder notice.

## **CHAPTER 5 – INSPECTIONS, BUILDING CLASSIFICATION, AND THE USE OF BUILDINGS**

### **Part 4 – Restrictions on the use of buildings**

<b>Entity power given to</b>	<b>Section of BUIA</b>	<b>Description</b>
Assessment Manager	117(2)	Power to be satisfied that only building work of a minor nature is needed before a certificate of classification can be given for the building.

## CHAPTER 6 – PROVISIONS ABOUT CERTIFIERS AND OTHER BUILDING CERTIFIERS

### Part 4 – Complaint, Investigations and disciplinary proceedings relating to building certifiers

#### Division 3 – Show cause notice for disciplinary proceedings

Entity power given to	Section of BUIA	Description
Local Government	206(1)	Power to: (a) form the reasonable belief proper grounds exist for applying to the tribunal to start a disciplinary proceeding against a building certifier; (b) before making the application give the building certifier a notice (a <b>show cause notice</b> ).
Local Government	207(2)	Power to: (a) consider any representations made about a show cause notice; (b) decide to: (i) take no further action; or (ii) apply to the tribunal to start a disciplinary proceeding against the building certifier.
Local Government	207(3)	Power to give a building certifier written notice of the decision and the reasons for the decision.

## CHAPTER 7 – FIRE SAFETY FOR BUDGET ACCOMMODATION BUILDINGS

### Part 3 – Budget accommodation buildings built, approved or applied for, before 1 January 1992

Entity power given to	Section of BUIA	Description
Local Government	221(2)(a)	Power to consult with any other entity considered appropriate in deciding an application for a longer period for conformity with a fire safety standard.
Local Government	221(2)(b)	Power to grant an application for a longer period for conformity with a fire safety standard if satisfied undue hardship would be caused to the budget accommodation building's occupants if the application were refused.
Local Government	221(3)	Power to grant an application for a longer period for conformity with a fire safety standard with or without the reasonable conditions considered appropriate.
Local Government	221(4)	Within 20 business days after receiving an application for a longer period for conformity with a fire safety standard, the power to: (a) decide the application; and (b) give the budget accommodation building's owner written notice of the decision.
Local Government	222(2)	Within 20 business days after receiving an application for advice as to conformity with a fire safety standard, the power to: (a) decide if the building conforms with the fire safety standard; and (b) give the building owner written notice of the decision.

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**Part 4 – All budget accommodation buildings**

Entity power given to	Section of BUIA	Description
Local Government	228(2)	Subject to subsection (1), the power to, at least once every 3 years, inspect the building to ensure the owner of the building is complying with Chapter 7, Part 4 in relation to the building.

**CHAPTER 7A – FIRE SAFETY FOR RESIDENTIAL CARE BUILDINGS BUILT, APPROVED OR APPLIED FOR, BEFORE 1 JUNE 2007**

**Part 4 – Assessment of residential care buildings**

Entity power given to	Section of BUIA	Description
Local Government	231AL(1) <sup>1</sup>	Where a written application is made by the owner of an RCB to obtain a fire safety (RCB) compliance certificate or certificate of classification, power to approve a later day for obtaining the certificate
Local Government	231AL(3)	When approving a later day under section 231AL(1), power to: (a) consult with QFRS; and (b) any entity considered appropriate in deciding the application; and (c) grant the application if it is satisfied undue hardship would be cause to the occupants of the RCB if the application were refused.
Local Government	231AL(4)	Power to grant the application and impose reasonable conditions considered appropriate.

**CHAPTER 8 – SWIMMING POOL SAFETY**

**Part 2 – Compliance with pool safety standard and other matters about pool safety**

**Division 3 – Exemptions from compliance with pool safety standard - disability**

***Subdivision 1 – Applying for exemption and deciding application***

Entity power given to	Section of BUIA	Description
Local Government	236	Power to require an applicant to give the local government medical evidence to support an application.
Local Government	237(1)	Power to consider the application and within 5 business days after the application is made: (a) grant the exemption; or (b) refuse to grant the exemption.
Local Government	237(3)	Power to grant an exemption on the reasonable conditions it considers necessary or desirable to prevent a child from accessing the pool.

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<sup>1</sup>

Section 231AK(a)(iii) provides that the date must be later than 1 September 2014 but not later than 1 September 2015 and section 231AK(b)(iii) provides that the date must be later than 1 September 2016 but not later than 1 September 2017.

Local Government	238(1)	Power to give applicant written notice that an exemption has been granted
Local Government	238(2)	Power to give applicant an information notice about refusal of exemption or conditions imposed on exemption.

### ***Subdivision 2 – Ending and revocation of exemptions***

Entity power given to	Section of BUIA	Description
Local Government	242(1)(b) <sup>2</sup>	In specified circumstances power to be satisfied 1 or more of the following applies: (i) the decision on the application for the exemption was based on a false or misleading particular given by an applicant; (ii) the exemption has ended under section 241 of the Building Act 1975; (iii) the exemption was subject to conditions and there has been a contravention of a condition.
Local Government	242(2)	In specified circumstances, the power to give an applicant a show cause notice inviting the applicant to show cause why a decision should not be revoked.
Local Government	242(3)	Power to: (a) consider any representations made under a show cause notice; and (b) give a further notice (a <b>revocation notice</b> ) to the applicant, revoke a decision previously given.

## **Division 4 – Exemption from compliance with pool safety standard – Impracticality**

### ***Subdivision 1 – Applying for exemptions and deciding applications***

Entity power given to	Section of BUIA	Description
Local Government	245A	Power to require the owner of a regulated pool to give further information to establish that compliance with the part of the pool safety standard is not practicable.
Local Government	245B(1)	Power to consider the application and decide to: (a) grant the exemption; or (b) refuse to grant the exemption.
Local Government	245B(2)	In deciding the application, power to consider: (a) whether compliance with the part of the pool safety standard may require the owner to: (i) move or demolish a building or part of a building; or (ii) change the location of size of the regulated pool; or (iii) remove vegetation protected from removal under an Act or a local law; (b) the cost of the barrier or work required to ensure the pool complies with the part of the pool safety standard, having regard to the nature of any existing barriers for the pool;

		(c) other matters considered relevant.
Local Government	245B(3)	Subject to section 245B(5), power to grant an exemption on reasonable conditions considered necessary or desirable to prevent a young child from accessing the pool.
Local Government	245C(1)	If exemption is granted, power to give the applicant a written notice of the exemption.
Local Government	245C(2)	If the exemption is refused, or conditions imposed, power to give the applicant an information notice about the decision.

### ***Subdivision 2 – Revocation of exemptions***

Entity power given to	Section of BUIA	Description
Local Government	245E(2)	Power to give the owner of regulated pool a show cause notice as to why the decision should not be revoked.
Local Government	245E(3)	After considering any representations made under the show cause notice, power to issue a revocation notice to the owner, to revoke the decision previously given.

## **Part 3 – Inspections of regulated pools and the giving of pool safety certificates**

### **Division 2 – Functions of local government for inspections of regulated pools**

Entity power given to	Section of BUIA	Description
Local Government	246AE(2)	Power for an employee or agent of the local government to enter land on which a regulated pool is situated to inspect the pool.
Local Government	246AF(2)	After complying with section 246AG, power to cancel a pool safety certificate.
Local Government	246AG(1)	Power to give the owner of a regulated pool a show cause notice before cancelling a pool safety certificate under s246AF(2).
Local Government	246AG(5)	Subject to 246AG(4), power to: (a) consider submissions; and (b) (decide whether to cancel the pool safety certificate.
Local Government	246AG(6)	If the Local Government decides not to cancel the safety certificate, power to give notice to the owner of that decision.
Local Government	246AG(7)	If the Local Government decides to cancel the pool safety certificate, power to give the owner an information notice about that decision.

## **CHAPTER 8B – TRANSPORT NOISE CORRIDORS**

### **Part 2 – Designation by local governments**

Entity power given to	Section of BUIA	Description
Local Government	246X(1)	A local government may by gazette notice designate land as a transport noise corridor.
Local Government	246X(2)	A local government may designate land under (1) only if:

		<p>(a) the land is within:</p> <p>(i) 100m if a road under its control: or</p> <p>(ii) A distance of more than 100m but not more than 200m of a road under its control, if the noise level caused by traffic on the road at the distance has been measured and approved by the CEO.</p>
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## CHAPTER 9 – SHOW CAUSE AND ENFORCEMENT NOTICES

Entity power given to	Section of BUIA	Description
Local Government	248(1) <sup>3</sup>	<p>Power to give a notice (an <b>enforcement notice</b>) to the owner of a building, structure or building work if the local government reasonably believes the building, structure or building work:</p> <p>(a) was built before the commencement of this section without, or not in accordance with, the approval of the local government; or</p> <p>(b) is dangerous; or</p> <p>(c) is in a dilapidated condition; or</p> <p>(d) is unfit for use of occupation; or</p> <p>(e) is filthy, infected with disease or infested with vermin.</p>
Local Government	248(2)	Power to give an enforcement notice to a person who does not comply with a particular matter in this Act.
Local Government	248(3)	Subject to section 248(4), the power to give a person a show cause notice.
Local Government	249(1)	<p>In the specified circumstances power to require a person to do any of the following:</p> <p>(a) to apply for a development permit;</p> <p>(b) to do, or not to do, another act to ensure building work complies with the approval of the local government given before the commencement of this section;</p> <p>(c) to repair or rectify the building or structure;</p> <p>(d) to secure the building or structure (whether by a system of support or in any other way);</p> <p>(e) to fence off the building or structure to protect persons;</p> <p>(f) to cleanse, purify and disinfect the building or structure;</p> <p>(h) to comply with this Act for a particular matter.</p>
Local Government	249(2)	Power to require a person to demolish or remove the building or structure only if the local government reasonably believes that it is not possible and practical to take steps to comply with subsection (1)(c) to (f).

## CHAPTER 10 – GENERAL PROVISIONS

Entity power given to	Section of BUIA	Description
Local Government	256(2)(d)	Power to make a complaint against the Building Act for an offence under section 245G(1).

<sup>3</sup> S.169(4) of the *Planning Act 2016* prohibits a Local Government from delegating its power to give an enforcement notice ordering the demolition of a building if it is also the private certifier.

Local Government	256(2)(e)	Power to make a complaint for an offence against section 245K, 245L or 246AR(2) of the Building Act.
Local Government	256(2)(f)	Power to make a complaint for an offence against section 246AD(2) or 246AJ(4) of the Building Act.
Local Government	256(2)(g)	Power to make a complaint for an offence against section 246AP(2) of the Building Act.
Local Government	256(2)(h)	Power to make a complaint for an offence against Chapter 8, part 4, division 5, subdivision 2 (excluding section 246ATH(2)) of the Building Act.
Local Government	256(2)(h)	Power to authorise a person to make a complaint for an offence against Chapter 8, part 4, division 5, subdivision 2 (excluding section 246ATH(2)) of the Building Act.
Local Government	256(2)(i)	Power to make a complaint for an offence against Chapter 8, part 5 of the Building Act.
Local Government	256(2)(i)	Power to authorise a person to make a complaint for an offence against Chapter 8, part 5 of the Building Act.
Local Government	256(2)(k)	Power to make a complaint for another offence against the Building Act.
Local Government	256(2)(k)	Power to authorise a person to make a complaint for another offence against the Building Act.

## CHAPTER 11 – SAVINGS AND TRANSITIONAL PROVISIONS

### Part 1 – Transitional provisions for Local Government Act 1993

Entity power given to	Section of BUIA	Description
Local Government	262(3)	<p>In the specified circumstances power to at any time, and subject to such reasonable conditions as considered appropriate, extend the time for an owner to comply with section 235 if:</p> <p>(a) the owner files a written application for an extension with the local government while a previously given extension is still in force; and</p> <p>(b) the local government is satisfied that compliance within the time provided for in the previously given extension would cause the owner financial hardship.</p>

### Part 2 – Transitional provisions for Building and Integrated Planning Amendment Act 1998

Entity power given to	Section of BUIA	Description
Local Government	266	<p>Power to decide that a building or structure is:</p> <p>(a) dangerous; or</p> <p>(b) in a dilapidated condition and unfit for use of or occupation; or</p> <p>(c) filthy; or</p> <p>(d) is infected with disease; or</p> <p>(e) is infested with vermin.</p> <p>to allow for the alteration or removal of a building otherwise lawfully constructed before the commencement of the section.</p>



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

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

[2018 01 01 - BUIA - Delegation Instrument]

### **Conditions imposed on all Delegations**

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

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

## DELEGABLE POWERS UNDER THE BUILDING ACT 1975 ("BUIA")

### CHAPTER 4 – BUILDING ASSESSMENT PROVISIONS AND ASSESSING BUILDING DEVELOPMENT APPLICATIONS

#### Part 1 – Laws and other documents applying to building work

##### Division 1 – General provisions about the laws and documents applying to building work

Entity power given to	Section of BUIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	37(2)	Power to give a building development approval for the work if the approval is given under the building assessment provisions in force immediately before the amendment.	23 February 2021	Executive Director Community and Building Services	14 December 2021	

#### Part 2 – Persons responsible for assessing building development applications

Entity power given to	Section of BUIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	51(2)	In the specified circumstances power to: (a) receive, assess and decide the application; (b) appoint or employ a private certifier or another building	23 February 2021	Executive Director Community and Building Services	14 December 2021	

		<p>certifier to perform building certifying functions for:</p> <ul style="list-style-type: none"> <li>(i) the application; and</li> <li>(ii) if the building development approval applied for is granted—the building work.</li> </ul>				
Local Government	52	<p>In the specified circumstances power to issue the building development approval applied for only if:</p> <ul style="list-style-type: none"> <li>(a) a local government building certifier has carried out the building assessment work for the application; and</li> <li>(b) the building certifier is appropriately licensed to carry out the building assessment work.</li> </ul>	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	53(2)	<p>In the specified circumstances power to accept and, without further checking, rely and act on the certificate or other document:</p> <ul style="list-style-type: none"> <li>(a) the original application;</li> <li>(b) another building development application for all or part of the building work under the original application.</li> </ul>	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	54(2)	<p>In the specified circumstances, power to, without further checking, rely and act on the document for the purpose of making the document publicly available.</p>	23 February 2021	Executive Director Community and Building Services	14 December 2021	

**Division 4 – Power of particular replacement  
assessment managers to decide status of  
development assessment process under planning  
act**

Entity power given to	Section of BUIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Assessment Manager	55(3)	In specified circumstances power to resume or start the application process at any stage of the development assessment process under the Planning Act the assessment manager considers appropriate.	23 February 2021	Executive Director Community and Building Services	14 December 2021	

**Part 4 – Requirements for and restrictions on assessing  
or approving building development applications**

Entity power given to	Section of BUIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Assessment Manager	63	Power for the assessment manager to approve a building application subject to the requirement in Part 4 as follows: (a) the fire safety management plan accompanying the application complies with the <i>Fire and Rescue Service Act 1990</i> , section 104FC, or (b) the building work involves an alternative solution, for performance requirements under the BCA, that includes a fire safety management procedure as a condition of the occupation and	23 February 2021	Executive Director Community and Building Services	14 December 2021	

		use of the building and the fire safety management plan adequately reflects the procedure.				
Assessment Manager	65(2)	Power for the assessment manager to approve the building application (subject to conditions) if each registered holder of the easement or covenant has consented to the building work.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Assessment Manager	66(2)	Power for the assessment manager to approve the building application if the special structure: (a) complies with the building assessment provisions; and (b) reasonably provides for all of the following: (i) the safety of persons using the structure if there is a fire (including, for example, means of egress); (ii) the prevention and suppression of fire; (iii) the prevention of the spread of fire; (iv) the health and amenity of persons using the structure.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Assessment Manager	67(3)	In specified circumstances power for the assessment manager to approve the building application if subsections (3)(a) and (3)(b) have been complied with.	23 February 2021	Executive Director Community and Building Services	14 December 2021	

Assessment Manager	68(3)	<p>Power for the assessment manager to approve a building application if the building certifier has decided the alterations do not unduly reduce the following:</p> <ul style="list-style-type: none"> <li>(a) the existing level of fire protection for persons accommodated in, or using, the building or structure;</li> <li>(b) the existing level of resistance to fire of the building or structure;</li> <li>(c) the existing safeguards against spread of fire to adjoining buildings or structures;</li> <li>(d) the existing level of emergency egress from the building or structure.</li> </ul>		Executive Director Community and Building Services	14 December 2021	
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**Part 5 – Conditions of building development approvals**

**Division 1 – Conditions taken to be imposed**

Entity power given to	Section of BUIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	71(8)	Power to consult with any other entity the local government considers appropriate in deciding the application.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	71(9)	Power to decide the application.	23 February 2021	Executive Director Community and Building Services	14 December 2021	

Local Government	71(11)	Power to give the applicant and the assessment manager for the building work notice of the decision.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Assessment Manager	74(2)(b)	Power to require the person installing the service to give a copy of the notices to the assessment manager when they are given to QFRS.		Executive Director Community and Building Services	14 December 2021	

### Division 2 – Conditions that may be imposed

Entity power given to	Section of BUIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Assessment Manager	80(2)	Power to include a condition that all, or a stated part, of the building or structure must comply with the building assessment provisions in force when the approval was granted.	23 February 2021	Executive Director Community and Building Services	14 December 2021	

## Part 7 – Provisions about lapsing of building development approvals and related matters

### Division 1 – Building work for demolition or removal

Entity power given to	Section of BUIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	92(2)	Power to in the specified circumstances take action considered necessary to complete the building work.	23 February 2021	Executive Director Community and Building Services	14 December 2021	

Local Government	92(5)	In the specified circumstances power to authorise the use of all or part of any security given to the local government for the carrying out of the building work.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	93(1)	Power to, at any time, having regard to the progress of the building work, refund or release part of any security.		Executive Director Community and Building Services	14 December 2021	

#### Division 2 – Other building work

Entity power given to	Section of BUIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Assessment Manager	95(1)(a) and (b)	Power for assessment manager to give a reminder notice.	23 February 2021	Executive Director Community and Building Services	14 December 2021	

## CHAPTER 5 – INSPECTIONS, BUILDING CLASSIFICATION, AND THE USE OF BUILDINGS

### Part 4 – Restrictions on the use of buildings

Entity power given to	Section of BUIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Assessment Manager	117(2)	Power to be satisfied that only building work of a minor nature is needed before a certificate of classification can be given for the building.	23 February 2021	Executive Director Community and Building Services	14 December 2021	

## CHAPTER 6 – PROVISIONS ABOUT CERTIFIERS AND OTHER BUILDING CERTIFIERS

### Part 4 – Complaint, Investigations and disciplinary proceedings relating to building certifiers

#### Division 3 – Show cause notice for disciplinary proceedings

Entity power given to	Section of BUIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	206(1)	Power to: (a) form the reasonable belief proper grounds exist for applying to the tribunal to start a disciplinary proceeding against a building certifier; (b) before making the application give the building certifier a notice (a <b>show cause notice</b> ).	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	207(2)	Power to: (a) consider any representations made about a show cause notice; (b) decide to: (i) take no further action; or (ii) apply to the tribunal to start a disciplinary proceeding against the building certifier.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	207(3)	Power to give a building certifier written notice of the decision and the reasons for the decision.	23 February 2021	Executive Director	14 December 2021	

				Community and Building Services		
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## CHAPTER 7 – FIRE SAFETY FOR BUDGET ACCOMMODATION BUILDINGS

### Part 3 – Budget accommodation buildings built, approved or applied for, before 1 January 1992

Entity power given to	Section of BUIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	221(2)(a)	Power to consult with any other entity considered appropriate in deciding an application for a longer period for conformity with a fire safety standard.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	221(2)(b)	Power to grant an application for a longer period for conformity with a fire safety standard if satisfied undue hardship would be caused to the budget accommodation building's occupants if the application were refused.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	221(3)	Power to grant an application for a longer period for conformity with a fire safety standard with or without the reasonable conditions considered appropriate.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	221(4)	Within 20 business days after receiving an application for a longer period for conformity with a fire safety standard, the power to: (a) decide the application; and	23 February 2021	Executive Director Community and Building Services	14 December 2021	

		(b) give the budget accommodation building's owner written notice of the decision.				
Local Government	222(2)	Within 20 business days after receiving an application for advice as to conformity with a fire safety standard, the power to: (a) decide if the building conforms with the fire safety standard; and (b) give the building owner written notice of the decision.	23 February 2021	Executive Director Community and Building Services	14 December 2021	

**Part 4 – All budget accommodation buildings**

Entity power given to	Section of BUIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	228(2)	Subject to subsection (1), the power to, at least once every 3 years, inspect the building to ensure the owner of the building is complying with Chapter 7, Part 4 in relation to the building.	23 February 2021	Executive Director Community and Building Services	14 December 2021	

**CHAPTER 7A – FIRE SAFETY FOR RESIDENTIAL CARE  
BUILDINGS BUILT, APPROVED OR APPLIED FOR, BEFORE 1  
JUNE 2007**

**Part 4 – Assessment of residential care buildings**

Entity power given to	Section of BUIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	231AL(1) <sup>4</sup>	Where a written application is made by the owner of an RCB to obtain a fire safety (RCB) compliance certificate or certificate of classification, power to approve a later day for obtaining the certificate	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	231AL(3)	When approving a later day under section 231AL(1), power to: (a) consult with QFRS; and (b) any entity considered appropriate in deciding the application; and (c) grant the application if it is satisfied undue hardship would be cause to the occupants of the RCB if the application were refused.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	231AL(4)	Power to grant the application and impose reasonable conditions considered appropriate.	23 February 2021	Executive Director Community and Building Services	14 December 2021	

<sup>4</sup> Section 231AK(a)(iii) provides that the date must be later than 1 September 2014 but not later than 1 September 2015 and section 231AK(b)(iii) provides that the date must be later than 1 September 2016 but not later than 1 September 2017.

## CHAPTER 8 – SWIMMING POOL SAFETY

### Part 2 – Compliance with pool safety standard and other matters about pool safety

#### Division 3 – Exemptions from compliance with pool safety standard - disability

##### *Subdivision 1 – Applying for exemption and deciding application*

Entity power given to	Section of BUIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	236	Power to require an applicant to give the local government medical evidence to support an application.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	237(1)	Power to consider the application and within 5 business days after the application is made: (a) grant the exemption; or (b) refuse to grant the exemption.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	237(3)	Power to grant an exemption on the reasonable conditions it considers necessary or desirable to prevent a child from accessing the pool.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	238(1)	Power to give applicant written notice that an exemption has been granted	23 February 2021	Executive Director Community and Building Services	14 December 2021	

Local Government	238(2)	Power to give applicant an information notice about refusal of exemption or conditions imposed on exemption.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
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***Subdivision 2 – Ending and revocation of exemptions***

Entity power given to	Section of BUIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	242(1)(b) <sup>5</sup>	In specified circumstances power to be satisfied 1 or more of the following applies: (i) the decision on the application for the exemption was based on a false or misleading particular given by an applicant; (ii) the exemption has ended under section 241 of the Building Act 1975; (iii) the exemption was subject to conditions and there has been a contravention of a condition.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	242(2)	In specified circumstances, the power to give an applicant a show cause notice inviting the applicant to show cause why a decision should not be revoked.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	242(3)	Power to:	23 February 2021	Executive Director	14 December 2021	

<sup>5</sup> Section 242(1)(b) only applies where the Local Government has, under section 237, granted an exemption.

		<p>(a) consider any representations made under a show cause notice; and</p> <p>(b) give a further notice (a <b>revocation notice</b>) to the applicant, revoke a decision previously given.</p>		Community and Building Services		
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**Division 4 – Exemption from compliance with pool safety standard – Impracticality**

***Subdivision 1 – Applying for exemptions and deciding applications***

Entity power given to	Section of BUIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	245A	Power to require the owner of a regulated pool to give further information to establish that compliance with the part of the pool safety standard is not practicable.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	245B(1)	Power to consider the application and decide to: (a) grant the exemption; or (b) refuse to grant the exemption.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	245B(2)	In deciding the application, power to consider: (a) whether compliance with the part of the pool safety standard may require the owner to: (i) move or demolish a building or part of a building; or	23 February 2021	Executive Director Community and Building Services	14 December 2021	

		<ul style="list-style-type: none"> <li>(ii) change the location of size of the regulated pool; or</li> <li>(iii) remove vegetation protected from removal under an Act or a local law;</li> </ul> <p>(b) the cost of the barrier or work required to ensure the pool complies with the part of the pool safety standard, having regard to the nature of any existing barriers for the pool;</p> <p>(c) other matters considered relevant.</p>				
Local Government	245B(3)	Subject to section 245B(5), power to grant an exemption on reasonable conditions considered necessary or desirable to prevent a young child from accessing the pool.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	245C(1)	If exemption is granted, power to give the applicant a written notice of the exemption.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	245C(2)	If the exemption is refused, or conditions imposed, power to give the applicant an information notice about the decision.	23 February 2021	Executive Director Community and Building Services	14 December 2021	

**Subdivision 2 – Revocation of exemptions**

Entity power given to	Section of BUIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	245E(2)	Power to give the owner of regulated pool a show cause notice as to why the decision should not be revoked.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	245E(3)	After considering any representations made under the show cause notice, power to issue a revocation notice to the owner, to revoke the decision previously given.	23 February 2021	Executive Director Community and Building Services	14 December 2021	

**Part 3 – Inspections of regulated pools and the giving of pool safety certificates**

**Division 2 – Functions of local government for inspections of regulated pools**

Entity power given to	Section of BUIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	246AE(2)	Power for an employee or agent of the local government to enter land on which a regulated pool is situated to inspect the pool.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	246AF(2)	After complying with section 246AG, power to cancel a pool safety certificate.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	246AG(1)	Power to give the owner of a regulated pool a show cause notice before	23 February 2021	Executive Director	14 December 2021	

		cancelling a pool safety certificate under s246AF(2).		Community and Building Services		
Local Government	246AG(5)	Subject to 246AG(4), power to: (a) consider submissions; and (b) (decide whether to cancel the pool safety certificate.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	246AG(6)	If the Local Government decides not to cancel the safety certificate, power to give notice to the owner of that decision.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	246AG(7)	If the Local Government decides to cancel the pool safety certificate, power to give the owner an information notice about that decision.	23 February 2021	Executive Director Community and Building Services	14 December 2021	

## CHAPTER 8B – TRANSPORT NOISE CORRIDORS

### Part 2 – Designation by local governments

Entity power given to	Section of BUIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	246X(1)	A local government may by gazette notice designate land as a transport noise corridor.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	246X(2)	A local government may designate land under (1) only if: (a) the land is within: (i) 100m if a road under its control: or	23 February 2021	Executive Director Community and Building Services	14 December 2021	

		(ii) A distance of more than 100m but not more than 200m of a road under its control, if the noise level caused by traffic on the road at the distance has been measured and approved by the CEO.				
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## CHAPTER 9 – SHOW CAUSE AND ENFORCEMENT NOTICES

Entity power given to	Section of BUIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	248(1) <sup>6</sup>	<p>Power to give a notice (an <b>enforcement notice</b>) to the owner of a building, structure or building work if the local government reasonably believes the building, structure or building work:</p> <ul style="list-style-type: none"> <li>(a) was built before the commencement of this section without, or not in accordance with, the approval of the local government; or</li> <li>(b) is dangerous; or</li> <li>(c) is in a dilapidated condition; or</li> <li>(d) is unfit for use of occupation; or</li> <li>(e) is filthy, infected with disease or infested with vermin.</li> </ul>	23 February 2021	Executive Director Community and Building Services	14 December 2021	

<sup>6</sup> S.169(4) of the *Planning Act 2016* prohibits a Local Government from delegating its power to give an enforcement notice ordering the demolition of a building if it is also the private certifier.

Local Government	248(2)	Power to give an enforcement notice to a person who does not comply with a particular matter in this Act.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	248(3)	Subject to section 248(4), the power to give a person a show cause notice.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	249(1)	In the specified circumstances power to require a person to do any of the following: (a) to apply for a development permit; (b) to do, or not to do, another act to ensure building work complies with the approval of the local government given before the commencement of this section; (c) to repair or rectify the building or structure; (d) to secure the building or structure (whether by a system of support or in any other way); (e) to fence off the building or structure to protect persons; (f) to cleanse, purify and disinfect the building or structure; (h) to comply with this Act for a particular matter.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	249(2)	Power to require a person to demolish or remove the building or structure only if the local government reasonably	23 February 2021	Executive Director	14 December 2021	

		believes that it is not possible and practical to take steps to comply with subsection (1)(c) to (f).		Community and Building Services		
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## CHAPTER 10 – GENERAL PROVISIONS

Entity power given to	Section of BUIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	256(2)(d)	Power to make a complaint against the Building Act for an offence under section 245G(1).	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	256(2)(e)	Power to make a complaint for an offence against section 245K, 245L or 246AR(2) of the Building Act.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	256(2)(f)	Power to make a complaint for an offence against section 246AD(2) or 246AJ(4) of the Building Act.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	256(2)(g)	Power to make a complaint for an offence against section 246AP(2) of the Building Act.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	256(2)(h)	Power to make a complaint for an offence against Chapter 8, part 4, division 5, subdivision 2 (excluding section 246ATH(2)) of the Building Act.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	256(2)(h)	Power to authorise a person to make a complaint for an offence against Chapter 8, part 4, division 5, subdivision 2	23 February 2021	In order to remain consistent with other		

		(excluding section 246ATH(2)) of the Building Act.		authorisations, we do not recommend this power be sub-delegated		
Local Government	256(2)(i)	Power to make a complaint for an offence against Chapter 8, part 5 of the Building Act.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	256(2)(i)	Power to authorise a person to make a complaint for an offence against Chapter 8, part 5 of the Building Act.	23 February 2021	In order to remain consistent with other authorisations, we do not recommend this power be sub-delegated		
Local Government	256(2)(k)	Power to make a complaint for another offence against the Building Act.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	256(2)(k)	Power to authorise a person to make a complaint for another offence against the Building Act.	23 February 2021	In order to remain consistent with other authorisations, we do not recommend this power be sub-delegated		

## CHAPTER 11 – SAVINGS AND TRANSITIONAL PROVISIONS

### Part 1 – Transitional provisions for Local Government Act 1993

Entity power given to	Section of BUIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	262(3)	In the specified circumstances power to at any time, and subject to such reasonable conditions as considered appropriate, extend the time for an owner to comply with section 235 if: (a) the owner files a written application for an extension with the local government while a previously given extension is still in force; and (b) the local government is satisfied that compliance within the time provided for in the previously given extension would cause the owner financial hardship.	23 February 2021	Executive Director Community and Building Services	14 December 2021	

### Part 2 – Transitional provisions for Building and Integrated Planning Amendment Act 1998

Entity power given to	Section of BUIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	266	Power to decide that a building or structure is: (a) dangerous; or	23 February 2021	Executive Director Community and Building Services	14 December 2021	

		(b) in a dilapidated condition and unfit for use of or occupation; or (c) filthy; or (d) is infected with disease; or (e) is infested with vermin. to allow for the alteration or removal of a building otherwise lawfully constructed before the commencement of the section.				
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[2018 01 01 - BUIA - Delegation Table]

## INSTRUMENT OF SUB-DELEGATION

**Torres Strait Island Regional Council**  
***Building Act 1975 ("BUIA")***

Under section 259 of the *Local Government Act 2009*, I, **David Baldwin**, Acting 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 **23 February 2021** to delegate those powers to the Chief Executive Officer.

**DATED** this                      day of                      2021.

**David Baldwin**  
Acting Chief Executive Officer  
**Torres Strait Island Regional Council**

**Position:** Executive Director of Community and Building Services

## POWERS SUB-DELEGATED

### *Building Act 1975 ("BUIA")*

#### CHAPTER 4 – BUILDING ASSESSMENT PROVISIONS AND ASSESSING BUILDING DEVELOPMENT APPLICATIONS

##### Part 1 – Laws and other documents applying to building work

##### Division 1 – General provisions about the laws and documents applying to building work

Entity power given to	Section of BUIA	Description
Local Government	37(2)	Power to give a building development approval for the work if the approval is given under the building assessment provisions in force immediately before the amendment.

##### Part 2 – Persons responsible for assessing building development applications

Entity power given to	Section of BUIA	Description
Local Government	51(2)	In the specified circumstances power to: (a) receive, assess and decide the application; (b) appoint or employ a private certifier or another building certifier to perform building certifying functions for: (i) the application; and (ii) if the building development approval applied for is granted—the building work.
Local Government	52	In the specified circumstances power to issue the building development approval applied for only if: (a) a local government building certifier has carried out the building assessment work for the application; and (b) the building certifier is appropriately licensed to carry out the building assessment work.
Local Government	53(2)	In the specified circumstances power to accept and, without further checking, rely and act on the certificate or other document: (a) the original application; (b) another building development application for all or part of the building work under the original application.
Local Government	54(2)	In the specified circumstances, power to, without further checking, rely and act on the document for the purpose of making the document publicly available.

##### Division 4 – Power of particular replacement assessment managers to decide status of development assessment process under planning act

Entity power given to	Section of BUIA	Description
Assessment Manager	55(3)	In specified circumstances power to resume or start the application process at any stage of the development

		assessment process under the Planning Act the assessment manager considers appropriate.
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**Part 4 – Requirements for and restrictions on assessing or approving building development applications**

Entity power given to	Section of BUIA	Description
Assessment Manager	63	Power for the assessment manager to approve a building application subject to the requirement in Part 4 as follows: (a) the fire safety management plan accompanying the application complies with the <i>Fire and Rescue Service Act 1990</i> , section 104FC, or (b) the building work involves an alternative solution, for performance requirements under the BCA, that includes a fire safety management procedure as a condition of the occupation and use of the building and the fire safety management plan adequately reflects the procedure.
Assessment Manager	65(2)	Power for the assessment manager to approve the building application (subject to conditions) if each registered holder of the easement or covenant has consented to the building work.
Assessment Manager	66(2)	Power for the assessment manager to approve the building application if the special structure: (a) complies with the building assessment provisions; and (b) reasonably provides for all of the following: (i) the safety of persons using the structure if there is a fire (including, for example, means of egress); (ii) the prevention and suppression of fire; (iii) the prevention of the spread of fire; (iv) the health and amenity of persons using the structure.
Assessment Manager	67(3)	In specified circumstances power for the assessment manager to approve the building application if subsections (3)(a) and (3)(b) have been complied with.
Assessment Manager	68(3)	Power for the assessment manager to approve a building application if the building certifier has decided the alterations do not unduly reduce the following: (a) the existing level of fire protection for persons accommodated in, or using, the building or structure; (b) the existing level of resistance to fire of the building or structure; (c) the existing safeguards against spread of fire to adjoining buildings or structures; (d) the existing level of emergency egress from the building or structure.

**Part 5 – Conditions of building development approvals**

**Division 1 – Conditions taken to be imposed**

Entity power given to	Section of BUIA	Description
Local Government	71(8)	Power to consult with any other entity the local government considers appropriate in deciding the application.

Local Government	71(9)	Power to decide the application.
Local Government	71(11)	Power to give the applicant and the assessment manager for the building work notice of the decision.
Assessment Manager	74(2)(b)	Power to require the person installing the service to give a copy of the notices to the assessment manager when they are given to QFRS.

### **Division 2 – Conditions that may be imposed**

<b>Entity power given to</b>	<b>Section of BUIA</b>	<b>Description</b>
Assessment Manager	80(2)	Power to include a condition that all, or a stated part, of the building or structure must comply with the building assessment provisions in force when the approval was granted.

## **Part 7 – Provisions about lapsing of building development approvals and related matters**

### **Division 1 – Building work for demolition or removal**

<b>Entity power given to</b>	<b>Section of BUIA</b>	<b>Description</b>
Local Government	92(2)	Power to in the specified circumstances take action considered necessary to complete the building work.
Local Government	92(5)	In the specified circumstances power to authorise the use of all or part of any security given to the local government for the carrying out of the building work.
Local Government	93(1)	Power to, at any time, having regard to the progress of the building work, refund or release part of any security.

### **Division 2 – Other building work**

<b>Entity power given to</b>	<b>Section of BUIA</b>	<b>Description</b>
Assessment Manager	95(1)(a) and (b)	Power for assessment manager to give a reminder notice.

## **CHAPTER 5 – INSPECTIONS, BUILDING CLASSIFICATION, AND THE USE OF BUILDINGS**

### **Part 4 – Restrictions on the use of buildings**

<b>Entity power given to</b>	<b>Section of BUIA</b>	<b>Description</b>
Assessment Manager	117(2)	Power to be satisfied that only building work of a minor nature is needed before a certificate of classification can be given for the building.

## CHAPTER 6 – PROVISIONS ABOUT CERTIFIERS AND OTHER BUILDING CERTIFIERS

### Part 4 – Complaint, Investigations and disciplinary proceedings relating to building certifiers

#### Division 3 – Show cause notice for disciplinary proceedings

Entity power given to	Section of BUIA	Description
Local Government	206(1)	Power to: (a) form the reasonable belief proper grounds exist for applying to the tribunal to start a disciplinary proceeding against a building certifier; (b) before making the application give the building certifier a notice (a <b>show cause notice</b> ).
Local Government	207(2)	Power to: (a) consider any representations made about a show cause notice; (b) decide to: (i) take no further action; or (ii) apply to the tribunal to start a disciplinary proceeding against the building certifier.
Local Government	207(3)	Power to give a building certifier written notice of the decision and the reasons for the decision.

## CHAPTER 7 – FIRE SAFETY FOR BUDGET ACCOMMODATION BUILDINGS

### Part 3 – Budget accommodation buildings built, approved or applied for, before 1 January 1992

Entity power given to	Section of BUIA	Description
Local Government	221(2)(a)	Power to consult with any other entity considered appropriate in deciding an application for a longer period for conformity with a fire safety standard.
Local Government	221(2)(b)	Power to grant an application for a longer period for conformity with a fire safety standard if satisfied undue hardship would be caused to the budget accommodation building's occupants if the application were refused.
Local Government	221(3)	Power to grant an application for a longer period for conformity with a fire safety standard with or without the reasonable conditions considered appropriate.
Local Government	221(4)	Within 20 business days after receiving an application for a longer period for conformity with a fire safety standard, the power to: (a) decide the application; and (b) give the budget accommodation building's owner written notice of the decision.
Local Government	222(2)	Within 20 business days after receiving an application for advice as to conformity with a fire safety standard, the power to: (a) decide if the building conforms with the fire safety standard; and (b) give the building owner written notice of the decision.

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**Part 4 – All budget accommodation buildings**

Entity power given to	Section of BUIA	Description
Local Government	228(2)	Subject to subsection (1), the power to, at least once every 3 years, inspect the building to ensure the owner of the building is complying with Chapter 7, Part 4 in relation to the building.

**CHAPTER 7A – FIRE SAFETY FOR RESIDENTIAL CARE BUILDINGS BUILT, APPROVED OR APPLIED FOR, BEFORE 1 JUNE 2007**

**Part 4 – Assessment of residential care buildings**

Entity power given to	Section of BUIA	Description
Local Government	231AL(1) <sup>7</sup>	Where a written application is made by the owner of an RCB to obtain a fire safety (RCB) compliance certificate or certificate of classification, power to approve a later day for obtaining the certificate
Local Government	231AL(3)	When approving a later day under section 231AL(1), power to: (a) consult with QFRS; and (b) any entity considered appropriate in deciding the application; and (c) grant the application if it is satisfied undue hardship would be cause to the occupants of the RCB if the application were refused.
Local Government	231AL(4)	Power to grant the application and impose reasonable conditions considered appropriate.

**CHAPTER 8 – SWIMMING POOL SAFETY**

**Part 2 – Compliance with pool safety standard and other matters about pool safety**

**Division 3 – Exemptions from compliance with pool safety standard - disability**

***Subdivision 1 – Applying for exemption and deciding application***

Entity power given to	Section of BUIA	Description
Local Government	236	Power to require an applicant to give the local government medical evidence to support an application.
Local Government	237(1)	Power to consider the application and within 5 business days after the application is made: (a) grant the exemption; or (b) refuse to grant the exemption.
Local Government	237(3)	Power to grant an exemption on the reasonable conditions it considers necessary or desirable to prevent a child from accessing the pool.

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<sup>7</sup> Section 231AK(a)(iii) provides that the date must be later than 1 September 2014 but not later than 1 September 2015 and section 231AK(b)(iii) provides that the date must be later than 1 September 2016 but not later than 1 September 2017.

Local Government	238(1)	Power to give applicant written notice that an exemption has been granted
Local Government	238(2)	Power to give applicant an information notice about refusal of exemption or conditions imposed on exemption.

### ***Subdivision 2 – Ending and revocation of exemptions***

Entity power given to	Section of BUIA	Description
Local Government	242(1)(b) <sup>8</sup>	In specified circumstances power to be satisfied 1 or more of the following applies: (i) the decision on the application for the exemption was based on a false or misleading particular given by an applicant; (ii) the exemption has ended under section 241 of the Building Act 1975; (iii) the exemption was subject to conditions and there has been a contravention of a condition.
Local Government	242(2)	In specified circumstances, the power to give an applicant a show cause notice inviting the applicant to show cause why a decision should not be revoked.
Local Government	242(3)	Power to: (a) consider any representations made under a show cause notice; and (b) give a further notice (a <b>revocation notice</b> ) to the applicant, revoke a decision previously given.

## **Division 4 – Exemption from compliance with pool safety standard – Impracticality**

### ***Subdivision 1 – Applying for exemptions and deciding applications***

Entity power given to	Section of BUIA	Description
Local Government	245A	Power to require the owner of a regulated pool to give further information to establish that compliance with the part of the pool safety standard is not practicable.
Local Government	245B(1)	Power to consider the application and decide to: (a) grant the exemption; or (b) refuse to grant the exemption.
Local Government	245B(2)	In deciding the application, power to consider: (a) whether compliance with the part of the pool safety standard may require the owner to: (i) move or demolish a building or part of a building; or (ii) change the location of size of the regulated pool; or (iii) remove vegetation protected from removal under an Act or a local law; (b) the cost of the barrier or work required to ensure the pool complies with the part of the pool safety standard, having regard to the nature of any existing barriers for the pool;

		(c) other matters considered relevant.
Local Government	245B(3)	Subject to section 245B(5), power to grant an exemption on reasonable conditions considered necessary or desirable to prevent a young child from accessing the pool.
Local Government	245C(1)	If exemption is granted, power to give the applicant a written notice of the exemption.
Local Government	245C(2)	If the exemption is refused, or conditions imposed, power to give the applicant an information notice about the decision.

### ***Subdivision 2 – Revocation of exemptions***

Entity power given to	Section of BUIA	Description
Local Government	245E(2)	Power to give the owner of regulated pool a show cause notice as to why the decision should not be revoked.
Local Government	245E(3)	After considering any representations made under the show cause notice, power to issue a revocation notice to the owner, to revoke the decision previously given.

## **Part 3 – Inspections of regulated pools and the giving of pool safety certificates**

### **Division 2 – Functions of local government for inspections of regulated pools**

Entity power given to	Section of BUIA	Description
Local Government	246AE(2)	Power for an employee or agent of the local government to enter land on which a regulated pool is situated to inspect the pool.
Local Government	246AF(2)	After complying with section 246AG, power to cancel a pool safety certificate.
Local Government	246AG(1)	Power to give the owner of a regulated pool a show cause notice before cancelling a pool safety certificate under s246AF(2).
Local Government	246AG(5)	Subject to 246AG(4), power to: (a) consider submissions; and (b) (decide whether to cancel the pool safety certificate.
Local Government	246AG(6)	If the Local Government decides not to cancel the safety certificate, power to give notice to the owner of that decision.
Local Government	246AG(7)	If the Local Government decides to cancel the pool safety certificate, power to give the owner an information notice about that decision.

## **CHAPTER 8B – TRANSPORT NOISE CORRIDORS**

### **Part 2 – Designation by local governments**

Entity power given to	Section of BUIA	Description
Local Government	246X(1)	A local government may by gazette notice designate land as a transport noise corridor.
Local Government	246X(2)	A local government may designate land under (1) only if:

		<p>(a) the land is within:</p> <p>(i) 100m if a road under its control: or</p> <p>(ii) A distance of more than 100m but not more than 200m of a road under its control, if the noise level caused by traffic on the road at the distance has been measured and approved by the CEO.</p>
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## CHAPTER 9 – SHOW CAUSE AND ENFORCEMENT NOTICES

Entity power given to	Section of BUIA	Description
Local Government	248(1) <sup>9</sup>	<p>Power to give a notice (an <b>enforcement notice</b>) to the owner of a building, structure or building work if the local government reasonably believes the building, structure or building work:</p> <p>(a) was built before the commencement of this section without, or not in accordance with, the approval of the local government; or</p> <p>(b) is dangerous; or</p> <p>(c) is in a dilapidated condition; or</p> <p>(d) is unfit for use of occupation; or</p> <p>(e) is filthy, infected with disease or infested with vermin.</p>
Local Government	248(2)	Power to give an enforcement notice to a person who does not comply with a particular matter in this Act.
Local Government	248(3)	Subject to section 248(4), the power to give a person a show cause notice.
Local Government	249(1)	<p>In the specified circumstances power to require a person to do any of the following:</p> <p>(a) to apply for a development permit;</p> <p>(b) to do, or not to do, another act to ensure building work complies with the approval of the local government given before the commencement of this section;</p> <p>(c) to repair or rectify the building or structure;</p> <p>(d) to secure the building or structure (whether by a system of support or in any other way);</p> <p>(e) to fence off the building or structure to protect persons;</p> <p>(f) to cleanse, purify and disinfect the building or structure;</p> <p>(h) to comply with this Act for a particular matter.</p>
Local Government	249(2)	Power to require a person to demolish or remove the building or structure only if the local government reasonably believes that it is not possible and practical to take steps to comply with subsection (1)(c) to (f).

## CHAPTER 10 – GENERAL PROVISIONS

Entity power given to	Section of BUIA	Description
Local Government	256(2)(d)	Power to make a complaint against the Building Act for an offence under section 245G(1).

<sup>9</sup> S.169(4) of the *Planning Act 2016* prohibits a Local Government from delegating its power to give an enforcement notice ordering the demolition of a building if it is also the private certifier.

Local Government	256(2)(e)	Power to make a complaint for an offence against section 245K, 245L or 246AR(2) of the Building Act.
Local Government	256(2)(f)	Power to make a complaint for an offence against section 246AD(2) or 246AJ(4) of the Building Act.
Local Government	256(2)(g)	Power to make a complaint for an offence against section 246AP(2) of the Building Act.
Local Government	256(2)(h)	Power to make a complaint for an offence against Chapter 8, part 4, division 5, subdivision 2 (excluding section 246ATH(2)) of the Building Act.
Local Government	256(2)(i)	Power to make a complaint for an offence against Chapter 8, part 5 of the Building Act.
Local Government	256(2)(k)	Power to make a complaint for another offence against the Building Act.

## CHAPTER 11 – SAVINGS AND TRANSITIONAL PROVISIONS

### Part 1 – Transitional provisions for Local Government Act 1993

Entity power given to	Section of BUIA	Description
Local Government	262(3)	<p>In the specified circumstances power to at any time, and subject to such reasonable conditions as considered appropriate, extend the time for an owner to comply with section 235 if:</p> <p>(a) the owner files a written application for an extension with the local government while a previously given extension is still in force; and</p> <p>(b) the local government is satisfied that compliance within the time provided for in the previously given extension would cause the owner financial hardship.</p>

### Part 2 – Transitional provisions for Building and Integrated Planning Amendment Act 1998

Entity power given to	Section of BUIA	Description
Local Government	266	<p>Power to decide that a building or structure is:</p> <p>(a) dangerous; or</p> <p>(b) in a dilapidated condition and unfit for use of or occupation; or</p> <p>(c) filthy; or</p> <p>(d) is infected with disease; or</p> <p>(e) is infested with vermin.</p> <p>to allow for the alteration or removal of a building otherwise lawfully constructed before the commencement of the section.</p>

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

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

[2018 01 01 - BUIA - Sub-Delegation Instrument]

### **Conditions imposed on all Delegations**

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

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

# INSTRUMENT OF SUB-DELEGATION

## **Torres Strait Island Regional Council** ***Building Act 1975 ("BUIA")***

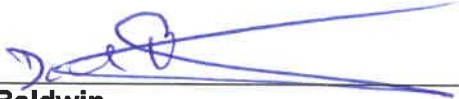
Under section 259 of the *Local Government Act 2009*, I, **David Baldwin**, Acting Chief Executive Officer of **Torres Strait Island Regional Council**, delegate to those positions which are specified in Schedule 1, the exercise of the powers contained in Schedule 2.

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 **23 February 2021** to delegate those powers to the Chief Executive Officer.

DATED this 14 day of 12 2021.



**David Baldwin**  
Acting Chief Executive Officer  
**Torres Strait Island Regional Council**

# **INSTRUMENT OF DELEGATION**

## **Torres Strait Island Regional Council** ***Building Regulation 2021 ("BUIR")***

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

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

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

**Building Regulation 2021 ("BUIR")****Part 3 – Matters for local laws, local planning instruments or resolutions**

Entity power given to	Section of BUIR	Description
Local Government	8(1)	Power to: (a) designate all or part of its area as a flood hazard area; and (b) declare the following matters for all or part of the designated flood hazard area- (i) the defined flood level; (ii) the maximum flow velocity of water; (iii) an inactive floor or backwater area; (iv) a freeboard that is more than 300mm; (v) the finished floor level of class 1 buildings built in all or part of the floor hazard area.
Local Government	8(4)	Power to keep a register of each flood hazard area designated and the date each area was designated as a flood hazard area.

**Part 8 – Inspections of assessable building work****Division 1 – Building certifier inspections****Subdivision 1 – Preliminary**

Entity power given to	Section of BUIR	Description
Local Government	45	In certain circumstances, power to declare a locality or a type of building or structure in the locality exempt from inspection at a stage of assessable building work.

**Subdivision 3 – Carrying out inspections**

Entity power given to	Section of BUIR	Description
Inspecting Person	54	Power to be satisfied all relevant aspects of the stage have been completed and comply with the building development approved for the work.

**Subdivision 4 – Procedure if noncompliance notice given**

Entity power given to	Section of BUIR	Description
Issuing Authority	56(2)	Power to take enforcement action against the builder.

## **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.

[2021 09 01 - BUIR - Delegation Instrument]

### **Conditions imposed on all Delegations**

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

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

## DELEGABLE POWERS UNDER THE BUILDING REGULATION 2021 ("BUIR")

### Part 3 – Matters for local laws, local planning instruments or resolutions

Entity power given to	Section of BUIR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	8(1)	Power to: (a) designate all or part of its area as a flood hazard area; and (b) declare the following matters for all or part of the designated flood hazard area- (i) the defined flood level; (ii) the maximum flow velocity of water; (iii) an inactive floor or backwater area; (iv) a freeboard that is more than 300mm; (v) the finished floor level of class 1 buildings built in all or part of the floor hazard area.	8 December 2021	Sub-Delegation of power not recommended		
Local Government	8(4)	Power to keep a register of each flood hazard area designated and the date each area was designated as a flood hazard area.	8 December 2021	Sub-Delegation of power not recommended		

**Part 8 – Inspections of assessable building work**

**Division 1 – Building certifier inspections**

***Subdivision 1 – Preliminary***

Entity power given to	Section of BUIR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	45	In certain circumstances, power to declare a locality or a type of building or structure in the locality exempt from inspection at a stage of assessable building work.	8 December 2021	Sub-Delegation of power not recommended		

***Subdivision 3 – Carrying out inspections***

Entity power given to	Section of BUIR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Inspecting Person	54	Power to be satisfied all relevant aspects of the stage have been completed and comply with the building development approved for the work.	8 December 2021	Executive Director Community and Building Services	Awaiting A/CEO approval	

***Subdivision 4 – Procedure if noncompliance notice given***

Entity power given to	Section of BUIR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Issuing Authority	56(2)	Power to take enforcement action against the builder.	8 December 2021	Executive Director Community and Building Services	Awaiting A/CEO approval	

Local Government	56(3)(a)	Power to notify the QBCC of the builder's non-compliance with the enforcement notice.	8 December 2021	Executive Director Community and Building Services	Awaiting A/CEO approval	
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**Division 2 – Referral agency inspections**

Entity power given to	Section of BUIR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Referral Agency	65(2)	In certain circumstances, Power to give a notice stating it will not inspect the building work or inspect or test the service in accordance with section 65(2).	8 December 2021	Executive Director Community and Building Services	Awaiting A/CEO approval	
Referral Agency	65(3)(a)	Power to inspect the work or inspect or test the service within 15 business days receiving the notice.	8 December 2021	Executive Director Community and Building Services	Awaiting A/CEO approval	

Referral Agency	65(3)(b)	Power to give the builder and the building certifier a notice stating: (a) the referral agency aspect comply with the building development approval; or (b) the referral agency aspects do not comply with the approval, and the reasons why they do not comply.	8 December 2021	Executive Director Community and Building Services	Awaiting A/CEO approval	
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[2021 09 01 - BUIR - Delegation Table]

## INSTRUMENT OF SUB-DELEGATION

**Torres Strait Island Regional Council**  
*Building Regulation 2021 ("BUIR")*

Under section 259 of the *Local Government Act 2009*, I, **David Baldwin**, Acting 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 8 December 2021 to delegate those powers to the Chief Executive Officer.

**DATED** this                      day of                      2021.

**David Baldwin**  
Acting Chief Executive Officer  
**Torres Strait Island Regional Council**

**Position:** Executive Director Community and Building Services

## POWERS SUB-DELEGATED

### *Building Regulation 2021 ("BUIR")*

**Part 8 – Inspections of assessable building work**  
**Division 1 – Building certifier inspections**

***Subdivision 3 – Carrying out inspections***

Entity power given to	Section of BUIR	Description
Inspecting Person	54	Power to be satisfied all relevant aspects of the stage have been completed and comply with the building development approved for the work.

***Subdivision 4 – Procedure if noncompliance notice given***

Entity power given to	Section of BUIR	Description
Issuing Authority	56(2)	Power to take enforcement action against the builder.
Local Government	56(3)(a)	Power to notify the QBCC of the builder's non-compliance with the enforcement notice.

**Division 2 – Referral agency inspections**

Entity power given to	Section of BUIR	Description
Referral Agency	65(2)	In certain circumstances, Power to give a notice stating it will not inspect the building work or inspect or test the service in accordance with section 65(2).
Referral Agency	65(3)(a)	Power to inspect the work or inspect or test the service within 15 business days receiving the notice.
Referral Agency	65(3)(b)	Power to give the builder and the building certifier a notice stating: (c) the referral agency aspect comply with the building development approval; or (d) the referral agency aspects do not comply with the approval, and the reasons why they do not comply.

## 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.

[2021 09 01 - BUIR - Sub-Delegation Instrument]

### Conditions imposed on all Delegations

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

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

# **INSTRUMENT OF DELEGATION**

## **Torres Strait Island Regional Council** ***Coastal Protection and Management Act 1995 ("CPMA")***

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

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

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

**Coastal Protection and Management Act 1995 ("CPMA")****CHAPTER 2 – COASTAL MANAGEMENT****Part 6 – Land surrender and artificial waterways****Division 3 – Land surrender*****Subdivision 4 – Giving effect to surrender***

Entity power given to	Section of CPMA	Description
Local Government	115B(5)(a)	Power to endorse the plan of subdivision with the local government's acceptance of the trusteeship of the reserve.

**Division 4 – Matters about artificial waterways*****Subdivision 3 – Plans of subdivision***

Entity power given to	Section of CPMA	Description
Local Government	119(2)	In the specified circumstances, the power to certify on a plan of subdivision that shows an artificial waterway that: <ul style="list-style-type: none"> <li>(a) the waterway, and any access channel associated with the waterway, is constructed in accordance with the development approval for the waterway; and</li> <li>(b) if the waterway is not a canal - you are satisfied arrangements have been made, or will be made, for the maintenance and management of the waterway.</li> </ul>

**CHAPTER 5 – ADMINISTRATION****Part 2A – Planning and Environment Court declarations**

Entity power given to	Section of CPMA	Description
Person	164A(1)	Power to bring a proceeding in the Planning and Environment Court for a declaration about a matter done, to be done or that should have been done, for chapter 2, part 3, division 2.

**CHAPTER 6 – TRANSITIONAL PROVISIONS****Part 4 – Transitional provisions for Environmental Protection and Other Legislation Amendment Act 2004**

Entity power given to	Section of CPMA	Description
Local Government	190(5)	In the specified circumstances, the power to elect not to be the assessment manager for an application to amend.

**Part 5 – Transitional provisions for Sustainable Planning Act 2009**

Entity power given to	Section of CPMA	Description
Local Government	193(5)	In the specified circumstances, power to elect not to be the responsible entity for making the permissible change.

**Part 8 – Transitional provisions for Planning (Consequential) and Other Legislation Amendment Act 2016**

Entity power given to	Section of CPMA	Description
Local Government	206(5)	In the specified circumstances, power to elect not to be the responsible entity for the change application.

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

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

[2017 07 03 - CPMA - Delegation Instrument]

### **Conditions imposed on all Delegations**

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

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

# DELEGABLE POWERS UNDER THE COASTAL PROTECTION AND MANAGEMENT ACT 1995 ("CPMA")

## CHAPTER 2 – COASTAL MANAGEMENT

### Part 6 – Land surrender and artificial waterways

#### Division 3 – Land surrender

##### *Subdivision 4 – Giving effect to surrender*

Entity power given to	Section of CPMA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	115B(5)(a)	Power to endorse the plan of subdivision with the local government's acceptance of the trusteeship of the reserve.	23 February 2021			

#### Division 4 – Matters about artificial waterways

##### *Subdivision 3 – Plans of subdivision*

Entity power given to	Section of CPMA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	119(2)	In the specified circumstances, the power to certify on a plan of subdivision that shows an artificial waterway that: (a) the waterway, and any access channel associated with the waterway, is constructed in accordance with the development approval for the waterway; and (b) if the waterway is not a canal - you are satisfied arrangements have been made, or will be made, for the	23 February 2021			

		maintenance and management of the waterway.				
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## CHAPTER 5 – ADMINISTRATION

### Part 2A – Planning and Environment Court declarations

Entity power given to	Section of CPMA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person	164A(1)	Power to bring a proceeding in the Planning and Environment Court for a declaration about a matter done, to be done or that should have been done, for chapter 2, part 3, division 2.	23 February 2021			

## CHAPTER 6 – TRANSITIONAL PROVISIONS

### Part 4 – Transitional provisions for Environmental Protection and Other Legislation Amendment Act 2004

Entity power given to	Section of CPMA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	190(5)	In the specified circumstances, the power to elect not to be the assessment manager for an application to amend.	23 February 2021			

**Part 5 – Transitional provisions for Sustainable Planning Act 2009**

Entity power given to	Section of CPMA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	193(5)	In the specified circumstances, power to elect not to be the responsible entity for making the permissible change.	23 February 2021			

**Part 8 – Transitional provisions for Planning (Consequential) and Other Legislation Amendment Act 2016**

Entity power given to	Section of CPMA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	206(5)	In the specified circumstances, power to elect not to be the responsible entity for the change application.	23 February 2021			

[2017 07 03 - CPMA - Delegation Table]

## INSTRUMENT OF SUB-DELEGATION

**Torres Strait Island Regional Council**  
***Coastal Protection and Management Act 1995 ("CPMA")***

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

### *Coastal Protection and Management Act 1995 ("CPMA")*

#### CHAPTER 2 – COASTAL MANAGEMENT

##### Part 6 – Land surrender and artificial waterways

##### Division 3 – Land surrender

##### *Subdivision 4 – Giving effect to surrender*

Entity power given to	Section of CPMA	Description
Local Government	115B(5)(a)	Power to endorse the plan of subdivision with the local government's acceptance of the trusteeship of the reserve.

##### Division 4 – Matters about artificial waterways

##### *Subdivision 3 – Plans of subdivision*

Entity power given to	Section of CPMA	Description
Local Government	119(2)	In the specified circumstances, the power to certify on a plan of subdivision that shows an artificial waterway that: <ul style="list-style-type: none"> <li>(a) the waterway, and any access channel associated with the waterway, is constructed in accordance with the development approval for the waterway; and</li> <li>(b) if the waterway is not a canal - you are satisfied arrangements have been made, or will be made, for the maintenance and management of the waterway.</li> </ul>

#### CHAPTER 5 – ADMINISTRATION

##### Part 2A – Planning and Environment Court declarations

Entity power given to	Section of CPMA	Description
Person	164A(1)	Power to bring a proceeding in the Planning and Environment Court for a declaration about a matter done, to be done or that should have been done, for chapter 2, part 3, division 2.

#### CHAPTER 6 – TRANSITIONAL PROVISIONS

##### Part 4 – Transitional provisions for Environmental Protection and Other Legislation Amendment Act 2004

Entity power given to	Section of CPMA	Description
Local Government	190(5)	In the specified circumstances, the power to elect not to be the assessment manager for an application to amend.

**Part 5 – Transitional provisions for Sustainable Planning Act 2009**

<b>Entity power given to</b>	<b>Section of CPMA</b>	<b>Description</b>
Local Government	193(5)	In the specified circumstances, power to elect not to be the responsible entity for making the permissible change.

**Part 8 – Transitional provisions for Planning (Consequential) and Other Legislation Amendment Act 2016**

<b>Entity power given to</b>	<b>Section of CPMA</b>	<b>Description</b>
Local Government	206(5)	In the specified circumstances, power to elect not to be the responsible entity for the change application.

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

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

[2017 07 03 - CPMA - Sub-Delegation Instrument]

### **Conditions imposed on all Delegations**

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

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

# **INSTRUMENT OF DELEGATION**

## **Torres Strait Island Regional Council** ***Disaster Management Act 2003 ("DIMA")***

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

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

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

***Disaster Management Act 2003 ("DIMA")*****Part 2 – Disaster management groups and committees****Division 3 – Local government disaster management groups*****Subdivision 1 – Establishment and functions***

<b>Entity power given to</b>	<b>Section of DIMA</b>	<b>Description</b>
Local Government	29	Power to establish a Local Disaster Management Group for the local government's area.

***Subdivision 2 – Application of sections 29 and 30 in particular circumstances***

<b>Entity power given to</b>	<b>Section of DIMA</b>	<b>Description</b>
Local Government	31	Power to, with the approval of the Minister and the district disaster coordinator for the disaster district in which the local government is situated, to agree to unite with other local governments, for the purpose of establishing a local group.

***Subdivision 3 – Membership***

<b>Entity power given to</b>	<b>Section of DIMA</b>	<b>Description</b>
Local Government	37	Power to give written notice of the members of a local group to: (a) the chief executive; and (b) the chairperson for the disaster district in which the local group is situated.

**Part 3 – Disaster management plans and guidelines****Division 3 – Disaster management plans for local governments*****Subdivision 1 – Disaster management plans***

<b>Entity power given to</b>	<b>Section of DIMA</b>	<b>Description</b>
Local Government	57(1)	Power to prepare a plan (a local disaster management plan) for disaster management in the local government's area.
Local Government	57(2)(g)	Power to consider other matters that are appropriate for inclusion in the local disaster management plan.
Local Government	59(1)	Power to review or renew a local disaster management plan when considered appropriate, subject to sub-section 2.
Chief Executive Officer	60(1)(c)	Power to consider the places where a copy of the local disaster management plan should be available for inspection, free of charge, by members of the public.
Chief Executive Officer	60(3)	Power to decide the fee for provision of a copy of the local disaster management plan.

***Subdivision 2 – Application of Subdivision 1 in particular circumstances***

<b>Entity power given to</b>	<b>Section of DIMA</b>	<b>Description</b>
Local Government	61	Power to, with the approval of the Minister and the district group for the disaster district in which the local government is situated, to agree to unite with other local governments for the purpose of preparing a local disaster management plan.

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

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

[2018 12 01 - DIMA - 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 (section 9(3) LGA 2009); and
- 10.** All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
  - 
  - a. impact on land and/or sea; and/or
  - b. involve payment of compensation regarding land; and/or
  - c. require a budget amendment.

## DELEGABLE POWERS UNDER THE DISASTER MANAGEMENT ACT 2003 ("DIMA")

### Part 2 – Disaster management groups and committees

#### Division 3 – Local government disaster management groups

##### *Subdivision 1 – Establishment and functions*

Entity power given to	Section of DIMA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	29	Power to establish a Local Disaster Management Group for the local government's area.	23 February 2021			

##### *Subdivision 2 – Application of sections 29 and 30 in particular circumstances*

Entity power given to	Section of DIMA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	31	Power to, with the approval of the Minister and the district disaster coordinator for the disaster district in which the local government is situated, to agree to unite with other local governments, for the purpose of establishing a local group.	23 February 2021			

***Subdivision 3 – Membership***

Entity power given to	Section of DIMA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	37	Power to give written notice of the members of a local group to: (a) the chief executive; and (b) the chairperson for the disaster district in which the local group is situated.	23 February 2021			

**Part 3 – Disaster management plans and guidelines**

**Division 3 – Disaster management plans for local governments**

***Subdivision 1 – Disaster management plans***

Entity power given to	Section of DIMA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	57(1)	Power to prepare a plan (a local disaster management plan) for disaster management in the local government's area.	23 February 2021			
Local Government	57(2)(g)	Power to consider other matters that are appropriate for inclusion in the local disaster management plan.	23 February 2021			
Local Government	59(1)	Power to review or renew a local disaster management plan when considered appropriate, subject to sub-section 2.	23 February 2021			

Chief Executive Officer	60(1)(c)	Power to consider the places where a copy of the local disaster management plan should be available for inspection, free of charge, by members of the public.	This power does not need to be delegated as it is given directly to the CEO under the Act.			
Chief Executive Officer	60(3)	Power to decide the fee for provision of a copy of the local disaster management plan.	This power does not need to be delegated as it is given directly to the CEO under the Act.			

***Subdivision 2 – Application of Subdivision 1 in particular circumstances***

Entity power given to	Section of DIMA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	61	Power to, with the approval of the Minister and the district group for the disaster district in which the local government is situated, to agree to unite with other local governments for the purpose of preparing a local disaster management plan.	23 February 2021			

[2018 12 01 - DIMA - Delegation Table]

## INSTRUMENT OF SUB-DELEGATION

**Torres Strait Island Regional Council**  
*Disaster Management Act 2003 ("DIMA")*

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

### *Disaster Management Act 2003 ("DIMA")*

#### Part 2 – Disaster management groups and committees

##### Division 3 – Local government disaster management groups

##### *Subdivision 1 – Establishment and functions*

Entity power given to	Section of DIMA	Description
Local Government	29	Power to establish a Local Disaster Management Group for the local government's area.

##### *Subdivision 2 – Application of sections 29 and 30 in particular circumstances*

Entity power given to	Section of DIMA	Description
Local Government	31	Power to, with the approval of the Minister and the district disaster coordinator for the disaster district in which the local government is situated, to agree to unite with other local governments, for the purpose of establishing a local group.

##### *Subdivision 3 – Membership*

Entity power given to	Section of DIMA	Description
Local Government	37	Power to give written notice of the members of a local group to: (a) the chief executive; and (b) the chairperson for the disaster district in which the local group is situated.

#### Part 3 – Disaster management plans and guidelines

##### Division 3 – Disaster management plans for local governments

##### *Subdivision 1 – Disaster management plans*

Entity power given to	Section of DIMA	Description
Local Government	57(1)	Power to prepare a plan (a local disaster management plan) for disaster management in the local government's area.
Local Government	57(2)(g)	Power to consider other matters that are appropriate for inclusion in the local disaster management plan.
Local Government	59(1)	Power to review or renew a local disaster management plan when considered appropriate, subject to sub-section 2.
Chief Executive Officer	60(1)(c)	Power to consider the places where a copy of the local disaster management plan should be available for inspection, free of charge, by members of the public.
Chief Executive Officer	60(3)	Power to decide the fee for provision of a copy of the local disaster management plan.

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***Subdivision 2 – Application of Subdivision 1 in particular circumstances***

<b>Entity power given to</b>	<b>Section of DIMA</b>	<b>Description</b>
Local Government	61	Power to, with the approval of the Minister and the district group for the disaster district in which the local government is situated, to agree to unite with other local governments for the purpose of preparing a local disaster management plan.

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

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

[2018 12 01 - DIMA - 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 (section 9(3) LGA 2009); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
  - 
  - a. impact on land and/or sea; and/or
  - b. involve payment of compensation regarding land; and/or
  - c. require a budget amendment.

# **INSTRUMENT OF DELEGATION**

## **Torres Strait Island Regional Council** ***Disaster Management Regulation 2014 ("DIMR")***

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

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

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

***Disaster Management Regulation 2014 ("DIMR")*****Part 2 – Disaster management groups – Membership and other matters**

<b>Entity power given to</b>	<b>Section of DIMR</b>	<b>Description</b>
Local Government	5(1)(c)(i)	Power to appoint a person, if there is 1 local government only in the disaster district for the district group, as a member of a district group.
Each Local Government	5(1)(c)(ii)	Power to appoint a person, if there are 2 or more local governments in the disaster district and none of the local governments unite under section 31 of the <i>Disaster Management Act 2003</i> , as a member of a district group.
Local Government	5(1)(c)(iii)	Power to appoint a person, if there are 2 or more local governments in the disaster district and all the local governments unite under section 31 of the <i>Disaster Management Act 2003</i> , as a member of a district group.
Local Government	5(1)(c)(iv)	Power to appoint a person, if there are 3 or more local governments in the disaster district and not all the local governments unite under section 31 of the <i>Disaster Management Act 2003</i> , as a member of a district group.
Local Government	7(1)(b)	Power to nominate a person as a member of a temporary district group.
Local Government	9(1)	Power to appoint a person as a member of a local group.
Local Government	9(4)	Power to be satisfied that a person has the necessary expertise or experience to be appointed as a member of a local group.
Local Government	10(1)	Power to appoint the chairperson and deputy chairperson of a local group.

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

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

[2018 06 15 - DIMR - Delegation Instrument]

### **Conditions imposed on all Delegations**

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

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

## DELEGABLE POWERS UNDER THE DISASTER MANAGEMENT REGULATION 2014 ("DIMR")

### Part 2 – Disaster management groups – Membership and other matters

Entity power given to	Section of DIMR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	5(1)(c)(i)	Power to appoint a person, if there is 1 local government only in the disaster district for the district group, as a member of a district group.	23 February 2021			
Each Local Government	5(1)(c)(ii)	Power to appoint a person, if there are 2 or more local governments in the disaster district and none of the local governments unite under section 31 of the <i>Disaster Management Act 2003</i> , as a member of a district group.	23 February 2021			
Local Government	5(1)(c)(iii)	Power to appoint a person, if there are 2 or more local governments in the disaster district and all the local governments unite under section 31 of the <i>Disaster Management Act 2003</i> , as a member of a district group.	23 February 2021			
Local Government	5(1)(c)(iv)	Power to appoint a person, if there are 3 or more local governments in the disaster district and not all the local governments unite under section 31 of the <i>Disaster Management Act 2003</i> , as a member of a district group.	23 February 2021			

Local Government	7(1)(b)	Power to nominate a person as a member of a temporary district group.	23 February 2021			
Local Government	9(1)	Power to appoint a person as a member of a local group.	23 February 2021			
Local Government	9(4)	Power to be satisfied that a person has the necessary expertise or experience to be appointed as a member of a local group.	23 February 2021			
Local Government	10(1)	Power to appoint the chairperson and deputy chairperson of a local group.	23 February 2021			

[2018 06 15 - DIMR - Delegation Table]

## INSTRUMENT OF SUB-DELEGATION

**Torres Strait Island Regional Council**  
***Disaster Management Regulation 2014 ("DIMR")***

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

### *Disaster Management Regulation 2014 ("DIMR")*

#### Part 2 – Disaster management groups – Membership and other matters

Entity power given to	Section of DIMR	Description
Local Government	5(1)(c)(i)	Power to appoint a person, if there is 1 local government only in the disaster district for the district group, as a member of a district group.
Each Local Government	5(1)(c)(ii)	Power to appoint a person, if there are 2 or more local governments in the disaster district and none of the local governments unite under section 31 of the <i>Disaster Management Act 2003</i> , as a member of a district group.
Local Government	5(1)(c)(iii)	Power to appoint a person, if there are 2 or more local governments in the disaster district and all the local governments unite under section 31 of the <i>Disaster Management Act 2003</i> , as a member of a district group.
Local Government	5(1)(c)(iv)	Power to appoint a person, if there are 3 or more local governments in the disaster district and not all the local governments unite under section 31 of the <i>Disaster Management Act 2003</i> , as a member of a district group.
Local Government	7(1)(b)	Power to nominate a person as a member of a temporary district group.
Local Government	9(1)	Power to appoint a person as a member of a local group.
Local Government	9(4)	Power to be satisfied that a person has the necessary expertise or experience to be appointed as a member of a local group.
Local Government	10(1)	Power to appoint the chairperson and deputy chairperson of a local group.

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

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

[2018 06 15 - DIMR - Sub-Delegation Instrument]

### **Conditions imposed on all Delegations**

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

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

# **INSTRUMENT OF DELEGATION**

## **Torres Strait Island Regional Council** ***Environmental Protection Act 1994 ("ENPA")***

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

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

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

***Environmental Protection Act 1994 ("ENPA")*****CHAPTER 5 – ENVIRONMENTAL AUTHORITIES FOR ENVIRONMENTALLY RELEVANT ACTIVITIES****Part 2 – Application Stage****Division 4 – Notices about not properly made applications**

<b>Entity power given to</b>	<b>Section of ENPA</b>	<b>Description</b>
Administering Authority	128(2)	In certain circumstances, the power to give the applicant a notice.
Administering Authority	129(2)	In certain circumstances, the power to agree to a further period with the applicant.

**Division 5 – Joint applicants**

<b>Entity power given to</b>	<b>Section of ENPA</b>	<b>Description</b>
Administering Authority	130(3)	In certain circumstances, the power to: (a) give a notice or other document relating to the application to all the applicants, by giving it to the principal applicant nominated in the application; or (b) make a requirement under this chapter relating to the application of all the applicants, by making it of the principal applicant nominated in the application.

**Division 6 – Changing applications*****Subdivision 1 – Preliminary***

<b>Entity power given to</b>	<b>Section of ENPA</b>	<b>Description</b>
Administering Authority	131(d)	In certain circumstances, power to be satisfied that a change would not adversely affect the ability of the authority to assess the changed application.

***Subdivision 3 – Changed applications – effect on assessment process***

<b>Entity power given to</b>	<b>Section of ENPA</b>	<b>Description</b>
Administering Authority	133(1)(b)	Power to agree in writing to the change.
Administering Authority	134(4)	In certain circumstances, the power to be satisfied that the change would not be likely to attract a submission objecting to the thing the subject of the change, if the notification stage were to apply to the change.

**Part 3 –****Information stage****Division 2 – Information requests**

Entity power given to	Section of ENPA	Description
Administering Authority	140(1)	Power to ask the applicant, by written request (an <b>information request</b> ), to give further information needed to assess the application.
Administering Authority	143(2)	In certain circumstances, the power to include in an information request a requirement that the applicant provide an EIS for the application.
Administering Authority	145(1)	Power to, by written notice given to the applicant and without the applicant's agreement, extend the information request period by not more than 10 business days.
Administering Authority	145(3)	Power to request a further extension of the information request period.
Administering Authority	147(3)	Power to, within 5 business days after receiving the request: (a) decide whether to agree to the extension; and (b) give an information notice of the decision.

**Part 4 –****Notification stage****Division 1 – Preliminary**

Entity power given to	Section of ENPA	Description
Administering Authority	150(1)(d)	In certain circumstances, the power to be satisfied that the change would not be likely to attract a submission objecting to the thing the subject of the change, if the notification stage were to apply to the change.

**Division 2 – Public notice**

Entity power given to	Section of ENPA	Description
Administering Authority	152(3)	Power to: (a) give the applicant an information notice about the decision before the application notice is given; and (b) decide an additional or substituted way to give or publish the application notice.
Administering Authority	159(2)	In certain circumstances, power to decide whether to allow the application to proceed under this part as if the noncompliance had not happened.
Administering Authority	159(3)	In certain circumstances, power to be satisfied that there has been substantial compliance with the public notice requirements.
Administering Authority	159(4)	In certain circumstances, power to within 10 business days after the decision is made, give the applicant written notice of the decision.
Administering Authority	159(5)(b)(i)	In certain circumstances, power to: (a) fix a substituted way to give or publish the application notice; and (b) give the applicant written notice of the substituted way.

Administering Authority	159(5)(b)(ii)	In certain circumstances, power to: (a) fix a new submission period for the application; and (b) give the applicant written notice of the period.
Administering Authority	159(5)(b)(iii)	In certain circumstances, power to give the applicant an information notice about the decision.

### **Division 3 – Submissions about applications**

<b>Entity power given to</b>	<b>Section of ENPA</b>	<b>Description</b>
An Entity	160	Power to, within the submission period, make a submission to the administering authority about the application.
Administering Authority	161(3)	Power to accept a written submission even if it is not a properly made submission.
An Entity	162(1)	In certain circumstances, power to, by written notice, amend or replace a submission.

## **Part 5 –**

### **Decision stage**

### **Division 2 – Deciding an application**

#### ***Subdivision 1 – Decision period***

<b>Entity power given to</b>	<b>Section of ENPA</b>	<b>Description</b>
Administering Authority	168(2)	In certain circumstances, the power to, by written notice given to the applicant and without the applicant's agreement, extend the period mentioned in subsection 168(1) by not more than 20 business days.
Administering Authority	168(4)	Power to request a further extension of the decision period.

#### ***Subdivision 2 – Decision***

<b>Entity power given to</b>	<b>Section of ENPA</b>	<b>Description</b>
Administering Authority	170(2)(a)	In certain circumstances, the power to decide that the application be approved subject to the standard conditions for the relevant activity or authority.
Administering Authority	170(2)(b)	In certain circumstances, the power to decide that the applicant be issued an environmental authority on conditions that are different to the standard conditions for the activity or authority.
Administering Authority	171(2)(a)	In certain circumstances, the power to decide that the application be approved subject to conditions that are different to the standard conditions for the activity or authority.
Administering Authority	171(2)(b)	In certain circumstances, the power to decide that the applicant be issued an environmental authority subject to the standard conditions for the activity or authority.
Administering Authority	172(2)	In certain circumstances, the power to decide that the application: (a) be approved subject to conditions; or (b) be refused.
Administering Authority	173(1)	Power to refuse an application if the applicant is not a registered suitable operator.

Administering Authority	173(3)	In certain circumstances, power to refuse an application for an environmental authority.
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#### **Division 4 – Steps after deciding application**

<b>Entity power given to</b>	<b>Section of ENPA</b>	<b>Description</b>
Administering Authority	195	In certain circumstances, power to issue an environmental authority to the applicant.
Administering Authority	198(2)	In certain circumstances, power to give the application an information notice about the decision.
Administering Authority	198(4)	In certain circumstances, power to give any submitter for the application an information notice about the decision.

#### **Division 6 – Conditions**

<b>Entity power given to</b>	<b>Section of ENPA</b>	<b>Description</b>
Administering Authority	203(1)	Power to impose a condition on an environmental authority or draft environmental authority if: (a) it considers the condition is necessary or desirable; and (b) if the authority is for an application to which section 115 applies - the condition relates to the carrying out of the relevant prescribed ERA.
Administering Authority	203(2)	In certain circumstances, power to impose a condition on an environmental authority or draft environmental authority.
Administering Authority	204(2)	In certain circumstances, power to impose on the authority a condition requiring the holder of the authority to take all reasonable steps to ensure the relevant activity complies with the eligibility criteria for the activity.
Administering Authority	209(4)	Power to enter into an agreement to establish obligations, or secure the performance, of a party to the agreement about a condition.

### **Part 6 – Amending environmental authorities by administering authority**

#### **Division 1 – Amendments**

<b>Entity power given to</b>	<b>Section of ENPA</b>	<b>Description</b>
Administering Authority	211	In certain circumstances, power to amend an environmental authority to correct a clerical or formal error.
Administering Authority	212(2)	Power to amend the environmental authority to ensure compliance with conditions included in a determination made by the NNTT under the Commonwealth Native Title Act, section 38(1)(c).
Administering Authority	212(3)	Power to give written notice of the amendment to the environmental authority holder.
Administering authority	212A(2)	Power to amend the environmental authority to ensure it is consistent with the regional interests development approval.
Administering authority	212A(3)	Power to given written notice the amendment to the environmental authority holder.

Administering Authority	213(2)	In certain circumstances, power to amend the existing authority to replace the existing standard conditions with the new standard conditions.
Administering Authority	213(3)	In certain circumstances, power to give written notice of the amendment to the environmental authority holder.
Administering Authority	214(2)	In certain circumstances, power to amend the environmental authority.
Administering Authority	214(3)	In certain circumstances, power to give: (a) an information notice about the amendment to the holder of the environmental authority; and (b) written notice of the amendment to the assessment manager for the development application.
Administering Authority	215(1)	In certain circumstances, power to amend an environmental authority.
Administering Authority	215(1)(a)	Power to consider the amendment is necessary or desirable because of a matter mentioned in subsection (2) and the procedure under division 2 is followed.

### Division 2 – Procedure for particular amendments

Entity power given to	Section of ENPA	Description
Administering Authority	216	Power to propose to amend an environmental authority
Administering Authority	217	Power to give the environmental authority holder a written notice (the <b>proposed amendment notice</b> ).
Administering Authority	218	Power to consider any written representation made within the period stated in the proposed amendment notice by the holder of the environmental authority.
Administering Authority	219(1)	In certain circumstances, power to believe a ground exists to make the proposed amendment, and to make the amendment.
Administering Authority	219(3)	Power to give the holder written notice of the decision.
Administering Authority	220	Power to give the environmental authority holder an information notice about the decision.

### Division 3 – Steps for amendments

Entity power given to	Section of ENPA	Description
Administering Authority	221(2)(b)	In certain circumstances, power to issue the amended environmental authority to the holder.

## Part 7 –

### Amendment of environmental authorities by application

#### Division 2A – Provision for particular amendment applications

Entity power given to	Section of ENPA	Description
Administering Authority	227A(2)	Power to refuse application within 10 business days after receiving the amendment application.

Administering Authority	227A(3)	Power to require the holder of the environmental authority to make a site-specific application for a new environmental authority.
Administering Authority	227A(5)	Power to give written notice of any refusal.

### Division 3 – Assessment level decisions

Entity power given to	Section of ENPA	Description
Administering Authority	228(1)	Power to decide whether the proposed amendment is a major or minor amendment.
Administering Authority	229	Power to give the applicant a written notice.
Administering Authority	230(2)	In certain circumstances, power to be satisfied that: <ul style="list-style-type: none"> <li>(a) there is likely to be a substantial increase in the risk of environmental harm under the amended environmental authority; and</li> <li>(b) the risk is the result of a substantial change in: <ul style="list-style-type: none"> <li>(i) the quantity or quality of contaminant permitted to be released into the environment; or</li> <li>(ii) the results of the release of a quantity or quality of contaminant permitted to be released into the environment.</li> </ul> </li> </ul>

### Division 4 – Process if proposed amendment is a major amendment

Entity power given to	Section of ENPA	Description
Administering Authority	233(3)	In certain circumstances, power to: <ul style="list-style-type: none"> <li>(a) decide another way of publishing the notice for subsection (2)(b)(ii); and</li> <li>(b) give the applicant an information notice about the decision before the notice is published.</li> </ul>
Administering Authority	237(1)(b)	Power to agree in writing to the change.
Administering Authority	238(3)(a)	In certain circumstances, power to within 10 business days after notice of the change is received, ask the applicant to give further information needed to assess the application
Administering Authority	238(7)	In certain circumstances, power to be satisfied the change would not be likely to attract a submission objecting to the thing the subject of the change, if the notification stage were to apply to the change.

### Division 5 – Process if proposed amendment is minor amendment

Entity power given to	Section of ENPA	Description
Administering Authority	240(1)	Power to decide either to approve or refuse the application: <ul style="list-style-type: none"> <li>(a) for a condition conversion – within 10 business days after the application is received (for a condition conversion); or</li> <li>(b) otherwise, within 10 business days after notice of the assessment level decision is given to the applicant.</li> </ul>

Administering Authority	240(2)	Power to be satisfied the proposed amendment is necessary or desirable.
Administering Authority	240(3)	In certain circumstances, power to make any other amendments to the conditions of the environmental authority it considers: (a) relate to the subject matter of the proposed amendment; and (b) are necessary or desirable.

### **Division 6 – Steps after deciding amendment application**

<b>Entity power given to</b>	<b>Section of ENPA</b>	<b>Description</b>
Administering Authority	242(1)(b)	In certain circumstances, power to issue the amended environmental authority to the applicant.
Administering Authority	242(3)	Power to within 5 business days after the decision is made, give the applicant an information notice about the decision.

## **Part 8 – Amalgamating environmental authorities**

### **Division 2 – Deciding amalgamation application**

<b>Entity power given to</b>	<b>Section of ENPA</b>	<b>Description</b>
Administering Authority	247(1)	Power to, within 20 business days after the day the amalgamation application is received, decide to: (a) approve the application; or (b) if the application is for an amalgamated local government authority or amalgamated project authority—refuse the application.
Administering Authority	247(2)(c)	Power to be satisfied there is an appropriate degree of integration between the activities.
Administering Authority	247(3)	Power to be satisfied the relevant activities for the existing environmental authorities are being carried out as a single integrated operation.

### **Division 3 – Miscellaneous provisions**

<b>Entity power given to</b>	<b>Section of ENPA</b>	<b>Description</b>
Administering Authority	248(b)	In certain circumstances, power to issue to the applicant: (a) if the application is for an amalgamated corporate authority – an amalgamated corporate authority; or (b) if the application is for an amalgamated local government authority – an amalgamated local government authority; or (c) if the application is for an amalgamated project authority – an amalgamated project authority.
Administering Authority	249	Power to, within 10 business days after refusing an amalgamation application, give the applicant an information notice about the decision.

#### Division 4 – De-amalgamating environmental authorities

Entity power given to	Section of ENPA	Description
Administering Authority	250C(a)	Power to de-amalgamate the relevant authority within 15 business days after receiving a de-amalgamation application that complies with section 250B.

#### Part 9 – Transferring environmental authorities for prescribed ERAs

Entity power given to	Section of ENPA	Description
Administering Authority	254(1)	Power to consider each transfer application and decide to: (a) approve the transfer; or (b) refuse the transfer.
Administering Authority	255(1)(b)	In certain circumstances, power to issue the amended environmental authority (the <b><i>transferred environmental authority</i></b> ) to each holder.
Administering Authority	255(2)	In certain circumstances, power to, within 10 business days after the decision is made, give the existing holder and the proposed holder written notice of the decision.

#### Part 10 – Surrender of environmental authorities

##### Division 1 – Preliminary

Entity power given to	Section of ENPA	Description
Administering Authority	258(2)	In certain circumstances, power to by written notice (a <b><i>surrender notice</i></b> ), require the holder of the environmental authority to make a surrender application.
Administering Authority	261(2)	In certain circumstances, power to approve a surrender application for part of the environmental authority.

##### Division 3 – Final rehabilitation reports

Entity power given to	Section of ENPA	Description
Administering Authority	264(2)(a)	Power to agree to a methodology.

##### Division 4 – Requests for information

Entity power given to	Section of ENPA	Description
Administering Authority	265	Power to ask the applicant, by written request, to give further information needed to assess the surrender application.

##### Division 5 – Deciding surrender applications

Entity power given to	Section of ENPA	Description
Administering Authority	266(1)	Power to decide to: (a) approve the surrender application; or (b) refuse the surrender application.

Administering Authority	269(a)	Power to be satisfied the conditions of the environmental authority have been complied with.
Administering Authority	269(b)(i)	Power to be satisfied the land on which each relevant activity for the environmental authority has been carried out has been satisfactorily rehabilitated.
Administering Authority	269(b)(ii)	Power to be satisfied the land will be satisfactorily rehabilitated under a transitional environmental program.
Administering Authority	269(c)	Power to be satisfied of another circumstance prescribed by regulation.

### **Division 8 – Miscellaneous provisions**

<b>Entity power given to</b>	<b>Section of ENPA</b>	<b>Description</b>
Administering Authority	275(a)(ii)	In certain circumstances, power to give the applicant written notice of the decision.
Administering Authority	275(b)	In certain circumstances, power to give the applicant an information notice about the decision.

## **Part 11 – Cancellation or suspension of environmental authorities**

### **Division 1 – Preliminary**

<b>Entity power given to</b>	<b>Section of ENPA</b>	<b>Description</b>
Administering Authority	278(1)	In certain circumstances, power to cancel or suspend an environmental authority.

### **Division 2 – Procedure for cancellation or suspension by administering authority**

<b>Entity power given to</b>	<b>Section of ENPA</b>	<b>Description</b>
Administering Authority	280(1)	Power to give the environmental authority holder a written notice.
Administering Authority	281	Power to consider any written representation made within the stated period by the environmental authority holder.
Administering Authority	282(1)	In certain circumstances, power to believe a ground exists to take the proposed action.
Administering Authority	282(1)(a)	In certain circumstances, power to suspend the environmental authority for no longer than the proposed suspension period.
Administering Authority	282(1)(b)	In certain circumstances, power to either cancel the environmental authority or suspend it for a fixed period.
Administering Authority	282(3)	Power to decide not to take the proposed action and, if so, give the environmental authority holder written notice of the decision.
Administering Authority	283(1)	Power to give the environmental authority holder an information notice about the decision.
Administering Authority	283(2)	In certain circumstances, power to give written notice of the decision to the chief executive administering the resource legislation.

**Part 11A - General provisions****Division 3 – Deciding suspension applications**

Entity power given to	Section of ENPA	Description
Administering Authority	284C	Power to decide whether to approve the application or refuse the application.
Administering Authority	284F(1)(a)(ii)	In certain circumstances, power to give the holder of the environmental authority written notice of the decision.
Administering Authority	284F(1)(b)	In certain circumstances, power to give the holder an information notice about the decision.

**Part 12 – General provisions****Division 1 – Plan of operations for environmental authority relating to mining lease or petroleum lease**

Entity power given to	Section of ENPA	Description
Administering Authority	287	Power to agree with the holder in writing to a shorter period.

**Division 2 – Financial assurance*****Subdivision 1 – Requiring financial assurance***

Entity power given to	Section of ENPA	Description
Administering Authority	292(1)	Power to, by condition of an environmental authority, require the holder of the environmental authority to give the administering authority financial assurance.
Administering Authority	292(2)	Power to be satisfied the condition is justified.
Administering Authority	292(3)	Power to require a financial assurance to remain in force until satisfied no claim is likely to be made on the assurance.

***Subdivision 2 – Amount and form of financial assurance***

Entity power given to	Section of ENPA	Description
Administering Authority	295(1)	Power to decide the amount and form of financial assurance required under a condition of an environmental authority.
Administering Authority	295(2)(c)	Power to agree with the holder of the environmental authority to a further period.
Administering Authority	295(4)	Power to form an opinion as to the amount that represents the total of likely costs and expenses that may be incurred taking action to rehabilitate or restore and protect the environment because of environmental harm that may be caused by the activity.
Administering Authority	296	Power to, within 5 business days after making a decision under section 295(1), give an information notice about the decision to the holder of the environmental authority.

### ***Subdivision 3 – Claiming or realising financial assurance***

<b>Entity power given to</b>	<b>Section of ENPA</b>	<b>Description</b>
Administering Authority	299(2)	Power to must give written notice to the entity who gave the financial assurance.
Administering Authority	300	Power to consider any written representations made within the stated period by the entity who gave the financial assurance.
Administering Authority	301(1)	Power to decide whether to make a claim on or realise the financial assurance.
Administering Authority	301(2)	In certain circumstances, power to give the entity an information notice about the decision.

### ***Subdivision 4 – Amending or discharging financial assurance***

<b>Entity power given to</b>	<b>Section of ENPA</b>	<b>Description</b>
Administering Authority	304(1)	Power to, by written notice, require the applicant to give it a compliance statement for the financial assurance before deciding the application.
Administering Authority	305(1)(a)	Power to approve or refuse the application.
Administering Authority	305(1)(b)	In certain circumstances, power to give the applicant an information notice about the decision.
Administering Authority	305(3)	Power to be satisfied no claim is likely to be made on the assurance.
Administering Authority	305(5)	Power to withhold making a decision under subsection (1).
Administering Authority	306(1)	In certain circumstances, power to, at any time, require the holder of an environmental authority or small scale mining tenure for which financial assurance has been given to change the amount of the financial assurance.
Administering Authority	306(3)	Power to give written notice to the holder of the environmental authority or small scale mining tenure.
Administering Authority	306(6)	In certain circumstances, power to consider any written submissions made by the holder within the stated period.

## **Division 3 – Annual fees and returns**

### ***Subdivision 1 – Annual notices***

<b>Entity power given to</b>	<b>Section of ENPA</b>	<b>Description</b>
Administering Authority	308(2)	In certain circumstances, power to give the environmental authority holder a written notice complying with subsection (3) (an <b><i>annual notice</i></b> ).
Administering Authority	310(1)	In certain circumstances, power to change the anniversary day, for an environmental authority for which an annual fee is prescribed under a regulation, to another day (the <b><i>new day</i></b> ).
Administering Authority	311	Power to decide whether or not to change the anniversary day to the new day.
Administering Authority	312	Power to give the holder:

		(a) if the decision is to change the day – written notice of the decision; or (b) if the decision is not to change the day – an information notice about the decision.
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#### **Division 4 – Non-compliance with eligibility criteria**

<b>Entity power given to</b>	<b>Section of ENPA</b>	<b>Description</b>
Administering Authority	314(2)	In certain circumstances, power to require the holder of the environmental authority to: (a) make a site-specific application for a new environmental authority under part 2; or (b) make an amendment application for the authority under part 7.
Administering Authority	314(3)	Power to give written notice of the proposed requirement to the holder of the environmental authority.
Administering Authority	314(5)	Power consider any representations made by the holder within the stated period.

#### **Division 5 – Miscellaneous provisions**

<b>Entity power given to</b>	<b>Section of ENPA</b>	<b>Description</b>
Administering Authority	315(1)	Power to ask any entity for advice, comment or information about an application made under this chapter at any time.

### **CHAPTER 7 – ENVIRONMENTAL MANAGEMENT**

#### **Part 1 – Environmental duties**

##### **Division 2 – Duty to notify of environmental harm**

##### ***Subdivision 3B – Duty of local government***

<b>Entity power given to</b>	<b>Section of ENPA</b>	<b>Description</b>
Local Government	320DB(1)	Power to give the administering authority written notice of the activity.
Local Government	320DB(2)	Power to give the administering authority written notice of: (a) the nature of the event or change in the condition and the circumstances in which the event or change happened or is happening; or (b) within 24 hours after becoming aware of the event or change in condition of the land.

#### **Part 2 – Environmental evaluations**

##### **Division 2 – Environmental audits**

##### ***Subdivision 1 – Audit requirements***

<b>Entity power given to</b>	<b>Section of ENPA</b>	<b>Description</b>
Administering Authority	322(1)	In certain circumstances, power to, by written notice, require the holder of an environmental authority to:

		<p>(a) conduct or commission an audit (an <b>environmental audit</b>) about a stated matter concerning a relevant activity; and</p> <p>(b) give the administering authority an environmental report on the audit.</p>
Administering Authority	322(2)	Power to be reasonably satisfied the audit is necessary or desirable.
Administering Authority	323(1)	<p>Power to be satisfied that:</p> <p>(a) a person is, or has been, contravening</p> <ul style="list-style-type: none"> <li>(i) a regulation; or</li> <li>(ii) an environmental protection policy; or</li> <li>(iii) an agricultural ERA standard; or</li> <li>(iv) a transitional environmental program; or</li> <li>(v) an enforceable undertaking; or</li> </ul> <p>(b) a person is, or has been, contravening any of the following provisions:</p> <ul style="list-style-type: none"> <li>(i) section 363E;</li> <li>(ii) section 440Q;</li> <li>(iii) section 440ZG;</li> <li>(iv) a provision of chapter 8, part 3D, 3E or 3F.</li> </ul>
Administering Authority	323(2)	<p>Power to, by written notice (also an <b>audit notice</b>), require the person to:</p> <p>(a) Conduct or commission an audit (also an <b>environmental audit</b>) about the matter; and</p> <p>(b) give the administering authority an environmental report about the audit.</p>

### Division 3 – Environmental investigations

Entity power given to	Section of ENPA	Description
Administering Authority	326B(1)	<p>Power to be satisfied on reasonable grounds that:</p> <p>(a) an event has happened causing environmental harm while an activity was being carried out; or</p> <p>(b) an activity or proposed activity is causing, or is likely to cause environmental harm.</p>
Administering Authority	326B(2)	<p>Power to, by written notice (an <b>investigation notice</b>), require the person who has carried out, is carrying out or is proposing to carry out the activity to:</p> <p>(a) conduct or commission an investigation (an <b>environmental investigation</b>) about the event or activity; and</p> <p>(b) submit an environmental report about the investigation to the authority.</p>
Administering Authority	326BA(1)	Power to be satisfied that circumstances contained in subsection (a) – (c) apply to the land.
Administering Authority	326BA(2)	<p>Power to give written notice (an investigation notice) requiring a prescribed responsible person for the land to:</p> <p>(a) conduct or commission an investigation; and</p> <p>(b) give the administering authority an investigation report.</p>

### Division 5 – Steps after receiving environmental reports

Entity power given to	Section of ENPA	Description
Administering Authority	326F(2)	Power to, by written notice, ask the recipient to give further information needed to decide whether to approve the environmental report.
Administering Authority	326G(4)	Power to decide to accept the report or to refuse to accept the report.
Administering Authority	326G(5)	Power to be satisfied that the report does not adequately address the relevant matters for the environmental investigation to which the report relates.
Administering Authority	326G(7)	In certain circumstances, power to extend the period mentioned in subsection (6) for making the decision.
Administering Authority	326G(7)(a)	Power to be satisfied that there are special circumstances for extending the time.
Administering Authority	326G(8)	Power to give the recipient written notice of the decision within 5 business days after making the decision.
Administering Authority	326H	Power to do one or more of the following: (a) require the recipient to prepare and submit a transitional environmental program to it; (b) if the recipient is the holder of an environmental authority – amend the conditions of the authority; (c) serve an environmental protection order on the recipient; or (d) take any other action it considers appropriate.
Administering Authority	326I(2)	Power to require the recipient to conduct or commission another environmental investigation and submit a report on the investigation to it.
Administering Authority	326I(3)	Power to give written notice to the recipient.

### Part 3 –

### Transitional environmental programs

#### Division 2 – Submission and approval of transitional environmental programs

Entity power given to	Section of ENPA	Description
Administering Authority	332(1)	Power to require a person or public authority to prepare and submit for approval a draft transitional environmental program as a condition of an environmental authority.
Administering Authority	332(2)	In the specified circumstances, the power to require a person or public authority to prepare and submit for approval a draft transitional environmental program.
Administering Authority	334A(1)	Power to, by written notice, ask the person or public authority that submitted the draft transitional environmental program to give further information needed to decide whether to approve the draft program.
Administering Authority	336(1)	Power to invite a person or public authority that has submitted a draft transitional environmental program and another person who has made a submission under section 335 of the Environmental Protection Act 1994 about the transitional

		environmental program, to a conference to help in deciding whether or not to approve the program.
Administering Authority	336(2)	Power to give written notice to all persons invited to attend a conference of when and where the conference is to be held.
Administering Authority	336(3)	If it's considered impracticable to give notice to all persons invited to attend a conference, the power to give notice of the conference by publishing a notice in the newspapers you decide.
Administering Authority	336(4)	In specified circumstances, the power to appoint an independent person to mediate a conference.
Administering Authority	336A(1)	Power to ask any person for advice, comment or information about a submission for approval of a transitional environmental program at any time.
Administering Authority	337(1)	In specified circumstances, the power to decide whether to approve a draft transitional environmental program within the specified time period.
Administering Authority	337(2)	In certain circumstances, power to extend the period mentioned in subsection (1) for making the decision.
Administering Authority	337(2)	Power to give an information notice about the decision to extend to the person or public authority that submitted the program and any submitters.
Administering Authority	338(1)	In deciding whether to approve or refuse to approve a draft program or the conditions (if any) of the approval, the power to: <ul style="list-style-type: none"> <li>(a) comply with any relevant regulatory requirement; and</li> <li>(b) subject to paragraph (a), consider the specified criteria.</li> </ul>
Administering Authority	339(1)	Power to: <ul style="list-style-type: none"> <li>(a) approve a draft transitional environment program: <ul style="list-style-type: none"> <li>(i) as submitted; or</li> <li>(ii) as amended at the request, or with the agreement, of the administering authority; or</li> </ul> </li> <li>(b) refuse to approve a draft transitional environmental program.</li> </ul>
Administering Authority	339(2)	Power to impose on an approval of a draft transitional environmental program: <ul style="list-style-type: none"> <li>(a) any conditions the authority must impose under a regulatory requirement;</li> <li>(b) a condition requiring the holder of the approval to give an amount of financial assurance as security for compliance with the transitional environmental program and any conditions of the program; and</li> <li>(c) any other conditions the administering authority considers appropriate.</li> </ul>
Administering Authority	340(1)	Power to, within 8 business days after making a decision under section 339, give the person or public authority that submitted the program a written notice about the decision.
Administering Authority	340(2)(b)	If the program is approved, power to state any conditions imposed on the approval by the administering authority.
Administering Authority	340(2)(c)	If the program is approved, power to state the day the approval ends.
Administering Authority	340(3)	If the program is refused, or approved with conditions, power to give an information notice.

Administering Authority	342(2)	In specified circumstances, the power to consider and decide whether to approve a draft transitional environmental program if satisfied there has been substantial compliance with the Environmental Protection Act 1994.
Administering Authority	343A(2)(B)	In certain circumstances, power to give the holder of the environmental authority a copy of the environmental authority including the note.

### **Division 3A – Financial assurances**

<b>Entity power given to</b>	<b>Section of ENPA</b>	<b>Description</b>
Administering Authority	344(3)	In specified circumstances, the power to approve an amendment of an approval for a transitional environmental program for an environmentally relevant activity.
Administering Authority	344(4)	Without limiting the matters to be considered in deciding an application, the power to have regard to the specified criteria.
Administering Authority	344A(2)	Power to may recover the reasonable costs or expenses of taking the action by making a claim on or realising the financial assurance or part of it.
Administering Authority	344A(3)	Power to give written notice to the person who gave the financial assurance.
Administering Authority	344B	Power to consider any written representations made within the stated period by the person who gave the financial assurance.
Administering Authority	344C(1)	Power to, within 10 business days after the end of the stated period, decide whether to make a claim on or realise the financial assurance.
Administering Authority	344C(2)	Power to, within 5 business days after making the decision, give the person an information notice about the decision.

### **Division 3B – Cancellation of approval for transitional environmental programs**

<b>Entity power given to</b>	<b>Section of ENPA</b>	<b>Description</b>
Administering Authority	344E(1)	Power to cancel the approval for a transitional environmental program for the reasons provided in that subsection.
Administering Authority	344E(1)(b)	Power to be satisfied the approval holder has: (i) disposed of the place or business to which the program relates; or (ii) ceased the activity to which the program relates.
Administering Authority	344E(2)(a)	Power to give a notice stating the details of the cancellation to the approval holder.
Administering Authority	344F(2)(a)	Power to withdraw the notice by another written notice.
Administering Authority	344G(2)	Power to give the holder of the environmental authority a copy of the authority that does not include the note.

**Part 4 – Special provisions about voluntary submission of transitional environmental programs**

Entity power given to	Section of ENPA	Description
Administering Authority	352(1)	In specified circumstances, the power to give written notice to a person of: (a) receiving a program notice; and (b) the day by which a draft transitional environmental program dealing with the activity must be submitted for approval.
Administering Authority	355(1)	In certain circumstances, power to apply to the Court for an order that section 353(1) does not apply to the person for any continuation of the original offence.

**Part 4A – Temporary emissions licences**

Entity power given to	Section of ENPA	Description
Administering Authority	357E(1)	Power to: (a) grant the application for a temporary emissions licence: (i) as submitted; (ii) on different terms than have been requested in the application; or (b) refuse to grant the application for a temporary emissions licence.
Administering Authority	357E(2)	Power to impose conditions on the temporary emissions licence it considers are necessary or desirable.
Administering Authority	357F	Power to give the applicant an information notice about the decision if the decision is to: (a) grant the application on different terms than have been requested in the application: or (b) refuse the application.
Administering Authority	357J	In certain circumstances, power to amend, cancel or suspend a temporary emissions licence.

**Part 5 – Environmental protection orders**

Entity power given to	Section of ENPA	Description
Administering Authority	358	In specified circumstances, the power to issue an order (an <b>environmental protection order</b> ) to a person.
Administering Authority	359	Before deciding to issue an environmental protection order, the power to consider the standard criteria.

## CHAPTER 9 – INVESTIGATION AND ENFORCEMENT

### Part 1 – Administration generally

Entity power given to	Section of ENPA	Description
As delegate of the Chief Executive of the Environmental Protection Agency: 516(1)(b) and 517	445(1)(c) <sup>1</sup>	In the specified circumstances, the power to appoint an authorised person.
Chief Executive Officer	445(2)	Power to appoint an employee of a local government to be an authorised person
As delegate of the Chief Executive of the Environmental Protection Agency: 516(1)(b) & 517.	448 <sup>2</sup>	In the specified circumstances, the power to issue an identity card to each authorised person appointed.
Administering Authority	451(1)	In the specified circumstances, the power to give a notice under section 451 of the Environmental Protection Act 1994 to a person requiring the person to give information relevant to the administration and enforcement of the Environmental Protection Act 1994.

### Part 2 – Powers of authorised persons for places and vehicles

Entity power given to	Section of ENPA	Description
Administering Authority	454(1)	Power to believe on reasonable grounds land is contaminated land
Administering Authority	454(3)(b)	Power to give written notice to the owner and occupier.
Administering Authority	458(2)	In specified circumstances, the power to give written notice of an application made under section 458(1) of the Environmental Protection Act 1994 to: (a) the owner of the land; and

<sup>1</sup> The power is subject to the following limitations as per the instrument of delegation of the Chief Executive of the Environmental Protection Agency dated 7 February 2008 (copy attached).

1. The only powers under the *Environmental Protection Act 1994* the authorised person who is appointed by the Local Govt is to exercise are:
  - (a) Sections 440J, 452, 453, 455, 456, 457, 459, 460, 461, 462, 463A, 463, 464, 465 and 466 of the *Environmental Protection Act 1994*; and
  - (b) Only to be used in relation to those matters referred to in s.440D of the *Environmental Protection Act 1994*; and
2. That the certificates issued pursuant to s.490 of the *Environmental Protection Act 1994* are only used in respect of Court proceedings in relation to those matters referred to in s.440D of the *Environmental Protection Act 1994*.

<sup>2</sup> The power is subject to the following limitations as per the instrument of delegation of the Chief Executive of the Environmental Protection Agency dated 7 February 2008 (copy attached).

1. The only powers under the *Environmental Protection Act 1994* the authorised person who is appointed by the Local Govt is to exercise are:
  - (a) Sections 440J, 452, 453, 455, 456, 457, 459, 460, 461, 462, 463A, 463, 464, 465 and 466 of the *Environmental Protection Act 1994*; and
  - (b) Only to be used in relation to those matters referred to in s.440D of the *Environmental Protection Act 1994*; and
2. That the certificates issued pursuant to s.490 of the *Environmental Protection Act 1994* are only used in respect of Court proceedings in relation to those matters referred to in s.440D of the *Environmental Protection Act 1994*.

		<p>(b) if the owner is not the occupier of the land - the occupier; and</p> <p>(c) if the application is for an order to carry out work mentioned in section 458(1)(a) of the Environmental Protection Act 1994:</p> <p>(i) the environmental authority holder; or</p> <p>(ii) transitional environmental program approval holder; or</p> <p>(iii) the registered operator.</p> <p>(d) if the application is for an order to take actions required under a clean-up notice – the recipient of the notice.</p>
Administering Executive	463(2)	In specified circumstances, the power to direct the destruction or disposal of a forfeited thing.
As delegate of the Chief Executive of the Environmental Protection Agency: 516(1)(b) and 517.	490	In specified circumstances, the power to issue a certificate.

## CHAPTER 10 – LEGAL PROCEEDINGS

### Part 3 – Legal proceedings

Entity power given to	Section of ENPA	Description
Administering Authority	502A(2)	Power to carry out work or take any other action reasonably necessary to fulfil the requirements of an order made against a person under section 502.

### Part 5 – Enforceable undertakings

Entity power given to	Section of ENPA	Description
Administering Authority	507(1)	Power to accept an enforceable undertaking.
Administering Authority	507(3)	Power to give written notice of: <p>(a) administering authority's decision to accept or reject the enforceable undertaking; and</p> <p>(b) the reasons for the decision.</p>
Administering Authority	507(4)	Power to form a reasonable belief that the undertaking will: <p>(a) secure compliance with the Act; and</p> <p>(b) enhance the protection of the environment.</p>
Administering Authority	509(1)	Power to give written agreement to: <p>(a) withdraw the undertaking; or</p> <p>(b) vary the undertaking.</p>
Administering Authority	510	Power to amend an enforceable undertaking with the written agreement of the person who made the undertaking.
Administering Authority	511	Power to: <p>(a) amend an enforceable undertaking to correct a clerical or formal error; and</p> <p>(b) give written notice of the amendment to the enforceable undertaking.</p>

Administering Authority	512(1)	Power to amend or suspend an enforceable undertaking if the administering authority is satisfied of the requirements in paragraphs (a) – (d).
Administering Authority	512(2)	Power to give a notice stating proposed action in respect of the enforceable undertaking.
Administering Authority	512(4)	Power to consider written representations.
Administering Authority	512(5)	Power to decide to take action under the section.
Administering Authority	512(6)	Power to give an information notice about the decision within 10 business days after making the decision.
Administering Authority	512(7)	Power to give written notice of a decision not to take action.
Administering Authority	513(2)	Power to apply to the Magistrates Court for an order about contravention of enforceable undertaking.

## CHAPTER 11 – ADMINISTRATION

### Part 2 – Delegations

Entity power given to	Section of ENPA	Description
Chief Executive Officer (both as Chief Executive Officer and as Administering Executive)	517(2)	Power to delegate their powers under this Act to an appropriately qualified employee of the local government.

### Part 3 – Review of decisions and appeals

#### Division 2 – Internal review of decisions

Entity power given to	Section of ENPA	Description
Administering Authority	521(2)(a)(ii)	In specified circumstances, the power to allow a longer period within which an application for a review of an original decision must be made.
Administering Authority	521(5)	In specified circumstances, the power to, within the decision period for a review of an original decision: <ul style="list-style-type: none"> <li>(a) review the original decision; and</li> <li>(b) consider any submissions properly made by a recipient of a review notice; and</li> <li>(c) make a decision (the <b>review decision</b>) to: <ul style="list-style-type: none"> <li>(i) confirm or revoke the original decision; or</li> <li>(ii) vary the original decision in a way considered appropriate.</li> </ul> </li> </ul>
Administering Authority	521(8)	Within 10 business days after making a review decision, the power to give written notice of the review decision to the applicant and persons who were given notice of the original decision.

## **Division 3 – Appeals**

### ***Subdivision 2 – Appeals to court***

<b>Entity power given to</b>	<b>Section of ENPA</b>	<b>Description</b>
Dissatisfied person	531(1)	In certain circumstances, power to may appeal against the decision to the Court.

## **Part 4 – General**

<b>Entity power given to</b>	<b>Section of ENPA</b>	<b>Description</b>
Administering Executive	544(1)	Power to approve forms.

## **CHAPTER 12 – MISCELLANEOUS**

### **Part 3A – Auditors**

#### **Division 1 – Preliminary**

<b>Entity power given to</b>	<b>Section of ENPA</b>	<b>Description</b>
Auditor	568	Power to, subject to the terms of an approval under division 2: (a) conduct environmental audits and prepare environmental reports about audits under chapter 7, part 2, division 2; and (b) evaluate site investigation reports, validation reports, draft site management plans and draft amendments of site management plans prepared under chapter 7, part 8 against criteria prescribed under a regulation (the prescribed criteria) and: (i) if the report or plan does not comply with the prescribed criteria—prepare a report about the evaluation; or (ii) if the report or plan complies with the prescribed criteria—provide written certification that it complies with the criteria; and (c) audit or evaluate another matter or thing prescribed under a regulation and prepare a report or written certification about the audit or evaluation.

## **CHAPTER 13 – SAVINGS, TRANSITIONAL AND RELATED PROVISIONS**

### **Part 5 – Transitional provisions for Environmental Protection Legislation Amendment Act 2003**

<b>Entity power given to</b>	<b>Section of ENPA</b>	<b>Description</b>
Administering Authority	620(2)	In the specified circumstances, the power to change or cancel a condition of an environmental authority.
Administering Authority	620(5)(b)	In the specified circumstances, if a condition has changed or cancelled, the power to, within the specified time period, give the registered operator:

		<p>(i) a copy of the development conditions as applying after the change or cancellation; and</p> <p>(ii) a registration certificate.</p>
Administering Authority	621(1)	<p>Power to, for an activity being carried out under an environmental authority mentioned in section 619(1) of the Environmental Protection Act 1994, give to the person carrying out the activity:</p> <p>(a) if the activity was carried out at 1 location - a development approval for the location; or</p> <p>(b) if the activity was carried at more than 1 location and is not a mobile and temporary environmentally relevant activity - a development approval for each location; or</p> <p>(c) if the activity is a mobile and temporary environmentally relevant activity - a development approval for a mobile and temporary environmentally relevant activity.</p>
Administering Authority	621(2)	If the person carrying out the activity does not have a registration certificate for the activity, the power to also give the person a registration certificate for the activity.
Administering Authority	621(4)	If you act under section 621(1) or (2) of the Environmental Protection Act 1994, the power to give the person carrying out the activity an information notice about your decision to give the approval or approval and certificate.
Administering Authority	623(2)	In specified circumstances, the power to give a registered operator a notice stating that you are satisfied that the risk of environmental harm from carrying out the activity is no longer insignificant.
Administering Authority	626(3)(a)	In specified circumstances, the power to, by written notice, ask an applicant to give a stated document or information relevant to an application.

**Part 6 – Transitional provisions for Petroleum and Other Legislation Amendment Act 2004**

Entity power given to	Section of ENPA	Description
Administering Authority	634(1)	In specified circumstances, the power to amend a condition about financial assurance imposed under Part 7, Chapter 13 of the Environmental Protection Act 1994 to require the giving of replacement financial assurance, in a form and amount decided by you.

**Part 17 – Transitional provisions for the Environmental Protection and Other Legislation Amendment Act 2011**

Entity power given to	Section of ENPA	Description
Administering Authority	671(2)	Power to consider, or continue to consider, the draft transitional environment program and decide whether to approve an existing draft transitional environment program under the unamended Act.

**Part 18 –****Transitional provisions for Environmental Protection (Greentape Reduction) and Other Legislation Amendment Act 2012****Division 5 – Transitional authorities for environmentally relevant activities**

Entity power given to	Section of ENPA	Description
Administering Authority	697(1)	Power to decide whether to approve the application or refuse the application.
Administering Authority	698(1)	In certain circumstances, power to: (a) amend the environmental authority to give effect to the conversion; and (b) issue the amended environmental authority to the applicant.
Administering Authority	698(2)	In certain circumstances, power to give the applicant an information notice about the decision.

**Division 5A – Suspended activities**

Entity power given to	Section of ENPA	Description
Administering Authority	698B	Power to approve an application to convert the surrendered registration certificate to an environmental authority that has been suspended under chapter 5, part 11A (a <b>conversion application</b> ).

**Division 6 – Financial assurance**

Entity power given to	Section of ENPA	Description
Administering Authority	699(4)	Power to amend the environmental authority to impose a condition about financial assurance.
Administering Authority	699(5)	Power to give written notice of the amendment.

**Division 8 – Provisions about environmental management plans**

Entity power given to	Section of ENPA	Description
Administering Authority	701(2)	Power to amend the new authority to impose conditions consistent with the environmental management plan.

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

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

[2019 12 09 - ENPA - 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 (section 9(3) LGA 2009); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
  - 
  - a. impact on land and/or sea; and/or
  - b. involve payment of compensation regarding land; and/or
  - c. require a budget amendment.

# DELEGABLE POWERS UNDER THE ENVIRONMENTAL PROTECTION ACT 1994 ("ENPA")

## CHAPTER 5 – ENVIRONMENTAL AUTHORITIES FOR ENVIRONMENTALLY RELEVANT ACTIVITIES

### Part 2 – Application Stage

#### Division 4 – Notices about not properly made applications

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administerin g Authority	128(2)	In certain circumstances, the power to give the applicant a notice.	23 February 2021			
Administerin g Authority	129(2)	In certain circumstances, the power to agree to a further period with the applicant.	23 February 2021			

#### Division 5 – Joint applicants

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administerin g Authority	130(3)	In certain circumstances, the power to: (a) give a notice or other document relating to the application to all the applicants, by giving it to the principal applicant nominated in the application; or (b) make a requirement under this chapter relating to the application	23 February 2021			

		of all the applicants, by making it of the principal applicant nominated in the application.				
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## Division 6 – Changing applications

### Subdivision 1 – Preliminary

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	131(d)	In certain circumstances, power to be satisfied that a change would not adversely affect the ability of the authority to assess the changed application.	23 February 2021			

### Subdivision 3 – Changed applications – effect on assessment process

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	133(1)(b)	Power to agree in writing to the change.	23 February 2021			
Administering Authority	134(4)	In certain circumstances, the power to be satisfied that the change would not be likely to attract a submission objecting to the thing the subject of the change, if the notification stage were to apply to the change.	23 February 2021			

**Part 3 – Information stage**

**Division 2 – Information requests**

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	140(1)	Power to ask the applicant, by written request (an <b>information request</b> ), to give further information needed to assess the application.	23 February 2021			
Administering Authority	143(2)	In certain circumstances, the power to include in an information request a requirement that the applicant provide an EIS for the application.	23 February 2021			
Administering Authority	145(1)	Power to, by written notice given to the applicant and without the applicant's agreement, extend the information request period by not more than 10 business days.	23 February 2021			
Administering Authority	145(3)	Power to request a further extension of the information request period.	23 February 2021			
Administering Authority	147(3)	Power to, within 5 business days after receiving the request: (a) decide whether to agree to the extension; and (b) give an information notice of the decision.	23 February 2021			

**Part 4 – Notification stage**

**Division 1 – Preliminary**

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administerin g Authority	150(1)(d)	In certain circumstances, the power to be satisfied that the change would not be likely to attract a submission objecting to the thing the subject of the change, if the notification stage were to apply to the change.	23 February 2021			

**Division 2 – Public notice**

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administerin g Authority	152(3)	Power to: (a) give the applicant an information notice about the decision before the application notice is given; and (b) decide an additional or substituted way to give or publish the application notice.	23 February 2021			
Administerin g Authority	159(2)	In certain circumstances, power to decide whether to allow the application to proceed under this part as if the noncompliance had not happened.	23 February 2021			
Administerin g Authority	159(3)	In certain circumstances, power to be satisfied that there has been substantial	23 February 2021			

		compliance with the public notice requirements.				
Administerin g Authority	159(4)	In certain circumstances, power to within 10 business days after the decision is made, give the applicant written notice of the decision.	23 February 2021			
Administerin g Authority	159(5)(b)( i)	In certain circumstances, power to: (a) fix a substituted way to give or publish the application notice; and (b) give the applicant written notice of the substituted way.	23 February 2021			
Administerin g Authority	159(5)(b)( ii)	In certain circumstances, power to: (a) fix a new submission period for the application; and (b) give the applicant written notice of the period.	23 February 2021			
Administerin g Authority	159(5)(b)( iii)	In certain circumstances, power to give the applicant an information notice about the decision.	23 February 2021			

### Division 3 – Submissions about applications

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub- Delegation	Limitations and Conditions
An Entity	160	Power to, within the submission period, make a submission to the administering authority about the application.	23 February 2021			
Administerin g Authority	161(3)	Power to accept a written submission even if it is not a properly made submission.	23 February 2021			

An Entity	162(1)	In certain circumstances, power to, by written notice, amend or replace a submission.	23 February 2021			
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**Part 5 – Decision stage**

**Division 2 – Deciding an application**

***Subdivision 1 – Decision period***

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administerin g Authority	168(2)	In certain circumstances, the power to, by written notice given to the applicant and without the applicant's agreement, extend the period mentioned in subsection 168(1) by not more than 20 business days.	23 February 2021			
Administerin g Authority	168(4)	Power to request a further extension of the decision period.	23 February 2021			

***Subdivision 2 – Decision***

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administerin g Authority	170(2)(a)	In certain circumstances, the power to decide that that the application be approved subject to the standard conditions for the relevant activity or authority.	23 February 2021			
Administerin g Authority	170(2)(b)	In certain circumstances, the power to decide that the applicant be issued an environmental authority on conditions	23 February 2021			

		that are different to the standard conditions for the activity or authority.				
Administerin g Authority	171(2)(a)	In certain circumstances, the power to decide that the application be approved subject to conditions that are different to the standard conditions for the activity or authority.	23 February 2021			
Administerin g Authority	171(2)(b)	In certain circumstances, the power to decide that the applicant be issued an environmental authority subject to the standard conditions for the activity or authority.	23 February 2021			
Administerin g Authority	172(2)	In certain circumstances, the power to decide that the application: (a) be approved subject to conditions; or (b) be refused.	23 February 2021			
Administerin g Authority	173(1)	Power to refuse an application if the applicant is not a registered suitable operator.	23 February 2021			
Administerin g Authority	173(3)	In certain circumstances, power to refuse an application for an environmental authority.	23 February 2021			

#### Division 4 – Steps after deciding application

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub- Delegation	Limitations and Conditions
Administerin g Authority	195	In certain circumstances, power to issue an environmental authority to the applicant.	23 February 2021			

Administerin g Authority	198(2)	In certain circumstances, power to give the application an information notice about the decision.	23 February 2021			
Administerin g Authority	198(4)	In certain circumstances, power to give any submitter for the application an information notice about the decision.	23 February 2021			

#### Division 6 – Conditions

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub- Delegation	Limitations and Conditions
Administerin g Authority	203(1)	Power to impose a condition on an environmental authority or draft environmental authority if: (a) it considers the condition is necessary or desirable; and (b) if the authority is for an application to which section 115 applies - the condition relates to the carrying out of the relevant prescribed ERA.	23 February 2021			
Administerin g Authority	203(2)	In certain circumstances, power to impose a condition on an environmental authority or draft environmental authority.	23 February 2021			
Administerin g Authority	204(2)	In certain circumstances, power to impose on the authority a condition requiring the holder of the authority to take all reasonable steps to ensure the relevant activity complies with the eligibility criteria for the activity.	23 February 2021			

Administerin g Authority	209(4)	Power to enter into an agreement to establish obligations, or secure the performance, of a party to the agreement about a condition.	23 February 2021			
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**Part 6 – Amending environmental authorities by administering authority**

**Division 1 – Amendments**

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administerin g Authority	211	In certain circumstances, power to amend an environmental authority to correct a clerical or formal error.	23 February 2021			
Administerin g Authority	212(2)	Power to amend the environmental authority to ensure compliance with conditions included in a determination made by the NNTT under the Commonwealth Native Title Act, section 38(1)(c).	23 February 2021			
Administerin g Authority	212(3)	Power to give written notice of the amendment to the environmental authority holder.	23 February 2021			
Administerin g authority	212A(2)	Power to amend the environmental authority to ensure it is consistent with the regional interests development approval.	23 February 2021			
Administerin g authority	212A(3)	Power to given written notice the amendment to the environmental authority holder.	23 February 2021			

Administerin g Authority	213(2)	In certain circumstances, power to amend the existing authority to replace the existing standard conditions with the new standard conditions.	23 February 2021			
Administerin g Authority	213(3)	In certain circumstances, power to give written notice of the amendment to the environmental authority holder.	23 February 2021			
Administerin g Authority	214(2)	In certain circumstances, power to amend the environmental authority.	23 February 2021			
Administerin g Authority	214(3)	In certain circumstances, power to give: (a) an information notice about the amendment to the holder of the environmental authority; and (b) written notice of the amendment to the assessment manager for the development application.	23 February 2021			
Administerin g Authority	215(1)	In certain circumstances, power to amend an environmental authority.	23 February 2021			
Administerin g Authority	215(1)(a)	Power to consider the amendment is necessary or desirable because of a matter mentioned in subsection (2) and the procedure under division 2 is followed.	23 February 2021			

#### Division 2 – Procedure for particular amendments

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub- Delegation	Limitations and Conditions
Administerin g Authority	216	Power to propose to amend an environmental authority	23 February 2021			

Administerin g Authority	217	Power to give the environmental authority holder a written notice (the <b><i>proposed amendment notice</i></b> ).	23 February 2021			
Administerin g Authority	218	Power to consider any written representation made within the period stated in the proposed amendment notice by the holder of the environmental authority.	23 February 2021			
Administerin g Authority	219(1)	In certain circumstances, power to believe a ground exists to make the proposed amendment, and to make the amendment.	23 February 2021			
Administerin g Authority	219(3)	Power to give the holder written notice of the decision.	23 February 2021			
Administerin g Authority	220	Power to give the environmental authority holder an information notice about the decision.	23 February 2021			

### Division 3 – Steps for amendments

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administerin g Authority	221(2)(b)	In certain circumstances, power to issue the amended environmental authority to the holder.	23 February 2021			

**Part 7 – Amendment of environmental authorities by application**

**Division 2A – Provision for particular amendment applications**

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	227A(2)	Power to refuse application within 10 business days after receiving the amendment application.	23 February 2021			
Administering Authority	227A(3)	Power to require the holder of the environmental authority to make a site-specific application for a new environmental authority.	23 February 2021			
Administering Authority	227A(5)	Power to give written notice of any refusal.	23 February 2021			

**Division 3 – Assessment level decisions**

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	228(1)	Power to decide whether the proposed amendment is a major or minor amendment.	23 February 2021			
Administering Authority	229	Power to give the applicant a written notice.	23 February 2021			
Administering Authority	230(2)	In certain circumstances, power to be satisfied that: (a) there is likely to be a substantial increase in the risk of	23 February 2021			

		<p>environmental harm under the amended environmental authority; and</p> <p>(b) the risk is the result of a substantial change in:</p> <p>(i) the quantity or quality of contaminant permitted to be released into the environment; or</p> <p>(ii) the results of the release of a quantity or quality of contaminant permitted to be released into the environment.</p>				
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**Division 4 – Process if proposed amendment is a major amendment**

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	233(3)	<p>In certain circumstances, power to:</p> <p>(a) decide another way of publishing the notice for subsection (2)(b)(ii); and</p> <p>(b) give the applicant an information notice about the decision before the notice is published.</p>	23 February 2021			
Administering Authority	237(1)(b)	Power to agree in writing to the change.	23 February 2021			
Administering Authority	238(3)(a)	In certain circumstances, power to within 10 business days after notice of the change is received, ask the applicant to	23 February 2021			

		give further information needed to assess the application				
Administerin g Authority	238(7)	In certain circumstances, power to be satisfied the change would not be likely to attract a submission objecting to the thing the subject of the change, if the notification stage were to apply to the change.	23 February 2021			

**Division 5 – Process if proposed amendment is minor amendment**

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administerin g Authority	240(1)	Power to decide either to approve or refuse the application: (a) for a condition conversion – within 10 business days after the application is received (for a condition conversion); or (b) otherwise, within 10 business days after notice of the assessment level decision is given to the applicant.	23 February 2021			
Administerin g Authority	240(2)	Power to be satisfied the proposed amendment is necessary or desirable.	23 February 2021			
Administerin g Authority	240(3)	In certain circumstances, power to make any other amendments to the conditions of the environmental authority it considers: (a) relate to the subject matter of the proposed amendment; and	23 February 2021			

		(b) are necessary or desirable.				
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**Division 6 – Steps after deciding amendment application**

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administerin g Authority	242(1)(b)	In certain circumstances, power to issue the amended environmental authority to the applicant.	23 February 2021			
Administerin g Authority	242(3)	Power to within 5 business days after the decision is made, give the applicant an information notice about the decision.	23 February 2021			

**Part 8 – Amalgamating environmental authorities**

**Division 2 – Deciding amalgamation application**

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administerin g Authority	247(1)	Power to, within 20 business days after the day the amalgamation application is received, decide to: (a) approve the application; or (b) if the application is for an amalgamated local government authority or amalgamated project authority—refuse the application.	23 February 2021			
Administerin g Authority	247(2)(c)	Power to be satisfied there is an appropriate degree of integration between the activities.	23 February 2021			

Administerin g Authority	247(3)	Power to be satisfied the relevant activities for the existing environmental authorities are being carried out as a single integrated operation.	23 February 2021			
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### Division 3 – Miscellaneous provisions

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administerin g Authority	248(b)	In certain circumstances, power to issue to the applicant: (a) if the application is for an amalgamated corporate authority – an amalgamated corporate authority; or (b) if the application is for an amalgamated local government authority – an amalgamated local government authority; or (c) if the application is for an amalgamated project authority – an amalgamated project authority.	23 February 2021			
Administerin g Authority	249	Power to, within 10 business days after refusing an amalgamation application, give the applicant an information notice about the decision.	23 February 2021			

**Division 4 – De-amalgamating environmental authorities**

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	250C(a)	Power to de-amalgamate the relevant authority within 15 business days after receiving a de-amalgamation application that complies with section 250B.	23 February 2021			

**Part 9 – Transferring environmental authorities for prescribed ERAs**

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	254(1)	Power to consider each transfer application and decide to: (a) approve the transfer; or (b) refuse the transfer.	23 February 2021			
Administering Authority	255(1)(b)	In certain circumstances, power to issue the amended environmental authority (the <b><i>transferred environmental authority</i></b> ) to each holder.	23 February 2021			
Administering Authority	255(2)	In certain circumstances, power to, within 10 business days after the decision is made, give the existing holder and the proposed holder written notice of the decision.	23 February 2021			

**Part 10 – Surrender of environmental authorities**

**Division 1 – Preliminary**

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	258(2)	In certain circumstances, power to by written notice (a <b>surrender notice</b> ), require the holder of the environmental authority to make a surrender application.	23 February 2021			
Administering Authority	261(2)	In certain circumstances, power to approve a surrender application for part of the environmental authority.	23 February 2021			

**Division 3 – Final rehabilitation reports**

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	264(2)(a)	Power to agree to a methodology.	23 February 2021			

**Division 4 – Requests for information**

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	265	Power to ask the applicant, by written request, to give further information needed to assess the surrender application.	23 February 2021			

### Division 5 – Deciding surrender applications

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	266(1)	Power to decide to: (a) approve the surrender application; or (b) refuse the surrender application.	23 February 2021			
Administering Authority	269(a)	Power to be satisfied the conditions of the environmental authority have been complied with.	23 February 2021			
Administering Authority	269(b)(i)	Power to be satisfied the land on which each relevant activity for the environmental authority has been carried out has been satisfactorily rehabilitated.	23 February 2021			
Administering Authority	269(b)(ii)	Power to be satisfied the land will be satisfactorily rehabilitated under a transitional environmental program.	23 February 2021			
Administering Authority	269(c)	Power to be satisfied of another circumstance prescribed by regulation.	23 February 2021			

### Division 8 – Miscellaneous provisions

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	275(a)(ii)	In certain circumstances, power to give the applicant written notice of the decision.	23 February 2021			

Administerin g Authority	275(b)	In certain circumstances, power to give the applicant an information notice about the decision.	23 February 2021			
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**Part 11 – Cancellation or suspension of environmental authorities**

**Division 1 – Preliminary**

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administerin g Authority	278(1)	In certain circumstances, power to cancel or suspend an environmental authority.	23 February 2021			

**Division 2 – Procedure for cancellation or suspension by administering authority**

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administerin g Authority	280(1)	Power to give the environmental authority holder a written notice.	23 February 2021			
Administerin g Authority	281	Power to consider any written representation made within the stated period by the environmental authority holder.	23 February 2021			
Administerin g Authority	282(1)	In certain circumstances, power to believe a ground exists to take the proposed action.	23 February 2021			
Administerin g Authority	282(1)(a)	In certain circumstances, power to suspend the environmental authority for	23 February 2021			

		no longer than the proposed suspension period.				
Administerin g Authority	282(1)(b)	In certain circumstances, power to either cancel the environmental authority or suspend it for a fixed period.	23 February 2021			
Administerin g Authority	282(3)	Power to decide not to take the proposed action and, if so, give the environmental authority holder written notice of the decision.	23 February 2021			
Administerin g Authority	283(1)	Power to give the environmental authority holder an information notice about the decision.	23 February 2021			
Administerin g Authority	283(2)	In certain circumstances, power to give written notice of the decision to the chief executive administering the resource legislation.	23 February 2021			

## Part 11A - General provisions

### Division 3 – Deciding suspension applications

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub- Delegation	Limitations and Conditions
Administerin g Authority	284C	Power to decide whether to approve the application or refuse the application.	23 February 2021			
Administerin g Authority	284F(1)(a) ) (ii)	In certain circumstances, power to give the holder of the environmental authority written notice of the decision.	23 February 2021			
Administerin g Authority	284F(1)(b) )	In certain circumstances, power to give the holder an information notice about the decision.	23 February 2021			

**Part 12 – General provisions**

**Division 1 – Plan of operations for environmental authority relating to mining lease or petroleum lease**

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	287	Power to agree with the holder in writing to a shorter period.	23 February 2021			

**Division 2 – Financial assurance**

***Subdivision 1 – Requiring financial assurance***

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	292(1)	Power to, by condition of an environmental authority, require the holder of the environmental authority to give the administering authority financial assurance.	23 February 2021			
Administering Authority	292(2)	Power to be satisfied the condition is justified.	23 February 2021			
Administering Authority	292(3)	Power to require a financial assurance to remain in force until satisfied no claim is likely to be made on the assurance.	23 February 2021			

***Subdivision 2 – Amount and form of financial assurance***

<b>Entity power given to</b>	<b>Section of ENPA</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>
Administering Authority	295(1)	Power to decide the amount and form of financial assurance required under a condition of an environmental authority.	23 February 2021			
Administering Authority	295(2)(c)	Power to agree with the holder of the environmental authority to a further period.	23 February 2021			
Administering Authority	295(4)	Power to form an opinion as to the amount that represents the total of likely costs and expenses that may be incurred taking action to rehabilitate or restore and protect the environment because of environmental harm that may be caused by the activity.	23 February 2021			
Administering Authority	296	Power to, within 5 business days after making a decision under section 295(1), give an information notice about the decision to the holder of the environmental authority.	23 February 2021			

***Subdivision 3 – Claiming or realising financial assurance***

<b>Entity power given to</b>	<b>Section of ENPA</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>
Administering Authority	299(2)	Power to must give written notice to the entity who gave the financial assurance.	23 February 2021			

Administerin g Authority	300	Power to consider any written representations made within the stated period by the entity who gave the financial assurance.	23 February 2021			
Administerin g Authority	301(1)	Power to decide whether to make a claim on or realise the financial assurance.	23 February 2021			
Administerin g Authority	301(2)	In certain circumstances, power to give the entity an information notice about the decision.	23 February 2021			

***Subdivision 4 – Amending or discharging financial assurance***

<b>Entity power given to</b>	<b>Section of ENPA</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>
Administerin g Authority	304(1)	Power to, by written notice, require the applicant to give it a compliance statement for the financial assurance before deciding the application.	23 February 2021			
Administerin g Authority	305(1)(a)	Power to approve or refuse the application.	23 February 2021			
Administerin g Authority	305(1)(b)	In certain circumstances, power to give the applicant an information notice about the decision.	23 February 2021			
Administerin g Authority	305(3)	Power to be satisfied no claim is likely to be made on the assurance.	23 February 2021			
Administerin g Authority	305(5)	Power to withhold making a decision under subsection (1).	23 February 2021			

Administerin g Authority	306(1)	In certain circumstances, power to, at any time, require the holder of an environmental authority or small scale mining tenure for which financial assurance has been given to change the amount of the financial assurance.	23 February 2021			
Administerin g Authority	306(3)	Power to give written notice to the holder of the environmental authority or small scale mining tenure.	23 February 2021			
Administerin g Authority	306(6)	In certain circumstances, power to consider any written submissions made by the holder within the stated period.	23 February 2021			

### Division 3 – Annual fees and returns

#### Subdivision 1 – Annual notices

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub- Delegation	Limitations and Conditions
Administerin g Authority	308(2)	In certain circumstances, power to give the environmental authority holder a written notice complying with subsection (3) (an <b>annual notice</b> ).	23 February 2021			
Administerin g Authority	310(1)	In certain circumstances, power to change the anniversary day, for an environmental authority for which an annual fee is prescribed under a regulation, to another day (the <b>new day</b> ).	23 February 2021			
Administerin g Authority	311	Power to decide whether or not to change the anniversary day to the new day.	23 February 2021			

Administerin g Authority	312	Power to give the holder: (a) if the decision is to change the day – written notice of the decision; or (b) if the decision is not to change the day – an information notice about the decision.	23 February 2021			
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**Division 4 – Non-compliance with eligibility criteria**

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administerin g Authority	314(2)	In certain circumstances, power to require the holder of the environmental authority to: (a) make a site-specific application for a new environmental authority under part 2; or (b) make an amendment application for the authority under part 7.	23 February 2021			
Administerin g Authority	314(3)	Power to give written notice of the proposed requirement to the holder of the environmental authority.	23 February 2021			
Administerin g Authority	314(5)	Power consider any representations made by the holder within the stated period.	23 February 2021			

### Division 5 – Miscellaneous provisions

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	315(1)	Power to ask any entity for advice, comment or information about an application made under this chapter at any time.	23 February 2021			

## CHAPTER 7 – ENVIRONMENTAL MANAGEMENT

### Part 1 – Environmental duties

#### Division 2 – Duty to notify of environmental harm

##### *Subdivision 3B – Duty of local government*

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	320DB(1)	Power to give the administering authority written notice of the activity.	23 February 2021			
Local Government	320DB(2)	Power to give the administering authority written notice of: (a) the nature of the event or change in the condition and the circumstances in which the event or change happened or is happening; or (b) within 24 hours after becoming aware of the event or change in condition of the land.	23 February 2021			

**Part 2 – Environmental evaluations**  
**Division 2 – Environmental audits**  
**Subdivision 1 – Audit requirements**

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administerin g Authority	322(1)	In certain circumstances, power to, by written notice, require the holder of an environmental authority to: (a) conduct or commission an audit (an <b>environmental audit</b> ) about a stated matter concerning a relevant activity; and (b) give the administering authority an environmental report on the audit.	23 February 2021			
Administerin g Authority	322(2)	Power to be reasonably satisfied the audit is necessary or desirable.	23 February 2021			
Administerin g Authority	323(1)	Power to be satisfied that: (a) a person is, or has been, contravening (i) a regulation; or (ii) an environmental protection policy; or (iii) an agricultural ERA standard; or (iv) a transitional environmental program; or (v) an enforceable undertaking; or (b) a person is, or has been, contravening any of the following provisions:	23 February 2021			

		(i) section 363E; (ii) section 440Q; (iii) section 440ZG; (iv) a provision of chapter 8, part 3D, 3E or 3F.				
Administerin g Authority	323(2)	Power to, by written notice (also an <b>audit notice</b> ), require the person to: (a) Conduct or commission an audit (also an <b>environmental audit</b> ) about the matter; and (b) give the administering authority an environmental report about the audit.	23 February 2021			

### Division 3 – Environmental investigations

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administerin g Authority	326B(1)	Power to be satisfied on reasonable grounds that: (a) an event has happened causing environmental harm while an activity was being carried out; or (b) an activity or proposed activity is causing, or is likely to cause environmental harm.	23 February 2021			
Administerin g Authority	326B(2)	Power to, by written notice (an <b>investigation notice</b> ), require the person who has carried out, is carrying out or is proposing to carry out the activity to:	23 February 2021			

		(a) conduct or commission an investigation (an <b><i>environmental investigation</i></b> ) about the event or activity; and (b) submit an environmental report about the investigation to the authority.				
Administering Authority	326BA(1)	Power to be satisfied that circumstances contained in subsection (a) – (c) apply to the land.	23 February 2021			
Administering Authority	326BA(2)	Power to give written notice (an investigation notice) requiring a prescribed responsible person for the land to: (a) conduct or commission an investigation; and (b) give the administering authority an investigation report.	23 February 2021			

**Division 5 – Steps after receiving environmental reports**

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	326F(2)	Power to, by written notice, ask the recipient to give further information needed to decide whether to approve the environmental report.	23 February 2021			
Administering Authority	326G(4)	Power to decide to accept the report or to refuse to accept the report.	23 February 2021			

Administerin g Authority	326G(5)	Power to be satisfied that the report does not adequately address the relevant matters for the environmental investigation to which the report relates.	23 February 2021			
Administerin g Authority	326G(7)	In certain circumstances, power to extend the period mentioned in subsection (6) for making the decision.	23 February 2021			
Administerin g Authority	326G(7)(a )	Power to be satisfied that there are special circumstances for extending the time.	23 February 2021			
Administerin g Authority	326G(8)	Power to give the recipient written notice of the decision within 5 business days after making the decision.	23 February 2021			
Administerin g Authority	326H	Power to do one or more of the following: (a) require the recipient to prepare and submit a transitional environmental program to it; (b) if the recipient is the holder of an environmental authority – amend the conditions of the authority; (c) serve an environmental protection order on the recipient; or (d) take any other action it considers appropriate.	23 February 2021			
Administerin g Authority	326I(2)	Power to require the recipient to conduct or commission another environmental investigation and submit a report on the investigation to it.	23 February 2021			

Administerin g Authority	326l(3)	Power to give written notice to the recipient.	23 February 2021			
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**Part 3 – Transitional environmental programs**

**Division 2 – Submission and approval of transitional environmental programs**

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administerin g Authority	332(1)	Power to require a person or public authority to prepare and submit for approval a draft transitional environmental program as a condition of an environmental authority.	23 February 2021			
Administerin g Authority	332(2)	In the specified circumstances, the power to require a person or public authority to prepare and submit for approval a draft transitional environmental program.	23 February 2021			
Administerin g Authority	334A(1)	Power to, by written notice, ask the person or public authority that submitted the draft transitional environmental program to give further information needed to decide whether to approve the draft program.	23 February 2021			
Administerin g Authority	336(1)	Power to invite a person or public authority that has submitted a draft transitional environmental program and another person who has made a submission under section 335 of the Environmental Protection Act 1994 about the transitional environmental	23 February 2021			

		program, to a conference to help in deciding whether or not to approve the program.				
Administerin g Authority	336(2)	Power to give written notice to all persons invited to attend a conference of when and where the conference is to be held.	23 February 2021			
Administerin g Authority	336(3)	If it's considered impracticable to give notice to all persons invited to attend a conference, the power to give notice of the conference by publishing a notice in the newspapers you decide.	23 February 2021			
Administerin g Authority	336(4)	In specified circumstances, the power to appoint an independent person to mediate a conference.	23 February 2021			
Administerin g Authority	336A(1)	Power to ask any person for advice, comment or information about a submission for approval of a transitional environmental program at any time.	23 February 2021			
Administerin g Authority	337(1)	In specified circumstances, the power to decide whether to approve a draft transitional environmental program within the specified time period.	23 February 2021			
Administerin g Authority	337(2)	In certain circumstances, power to extend the period mentioned in subsection (1) for making the decision.	23 February 2021			
Administerin g Authority	337(2)	Power to gives an information notice about the decision to extend to the person or public authority that submitted the program and any submitters.	23 February 2021			

Administerin g Authority	338(1)	In deciding whether to approve or refuse to approve a draft program or the conditions (if any) of the approval, the power to: (a) comply with any relevant regulatory requirement; and (b) subject to paragraph (a), consider the specified criteria.	23 February 2021			
Administerin g Authority	339(1)	Power to: (a) approve a draft transitional environment program: (i) as submitted; or (ii) as amended at the request, or with the agreement, of the administering authority; or (b) refuse to approve a draft transitional environmental program.	23 February 2021			
Administerin g Authority	339(2)	Power to impose on an approval of a draft transitional environmental program: (a) any conditions the authority must impose under a regulatory requirement; (b) a condition requiring the holder of the approval to give an amount of financial assurance as security for compliance with the transitional environmental program and any conditions of the program; and	23 February 2021			

		(c) any other conditions the administering authority considers appropriate.				
Administerin g Authority	340(1)	Power to, within 8 business days after making a decision under section 339, give the person or public authority that submitted the program a written notice about the decision.	23 February 2021			
Administerin g Authority	340(2)(b)	If the program is approved, power to state any conditions imposed on the approval by the administering authority.	23 February 2021			
Administerin g Authority	340(2)(c)	If the program is approved, power to state the day the approval ends.	23 February 2021			
Administerin g Authority	340(3)	If the program is refused, or approved with conditions, power to give an information notice.	23 February 2021			
Administerin g Authority	342(2)	In specified circumstances, the power to consider and decide whether to approve a draft transitional environmental program if satisfied there has been substantial compliance with the Environmental Protection Act 1994.	23 February 2021			
Administerin g Authority	343A(2)(B )	In certain circumstances, power to give the holder of the environmental authority a copy of the environmental authority including the note.	23 February 2021			

**Division 3A – Financial assurances**

<b>Entity power given to</b>	<b>Section of ENPA</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>
Administerin g Authority	344(3)	In specified circumstances, the power to approve an amendment of an approval for a transitional environmental program for an environmentally relevant activity.	23 February 2021			
Administerin g Authority	344(4)	Without limiting the matters to be considered in deciding an application, the power to have regard to the specified criteria.	23 February 2021			
Administerin g Authority	344A(2)	Power to may recover the reasonable costs or expenses of taking the action by making a claim on or realising the financial assurance or part of it.	23 February 2021			
Administerin g Authority	344A(3)	Power to give written notice to the person who gave the financial assurance.	23 February 2021			
Administerin g Authority	344B	Power to consider any written representations made within the stated period by the person who gave the financial assurance.	23 February 2021			
Administerin g Authority	344C(1)	Power to, within 10 business days after the end of the stated period, decide whether to make a claim on or realise the financial assurance.	23 February 2021			
Administerin g Authority	344C(2)	Power to, within 5 business days after making the decision, give the person an information notice about the decision.	23 February 2021			

**Division 3B – Cancellation of approval for transitional environmental programs**

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	344E(1)	Power to cancel the approval for a transitional environmental program for the reasons provided in that subsection.	23 February 2021			
Administering Authority	344E(1)(b)	Power to be satisfied the approval holder has: (i) disposed of the place or business to which the program relates; or (ii) ceased the activity to which the program relates.	23 February 2021			
Administering Authority	344E(2)(a)	Power to give a notice stating the details of the cancellation to the approval holder.	23 February 2021			
Administering Authority	344F(2)(a)	Power to withdraw the notice by another written notice.	23 February 2021			
Administering Authority	344G(2)	Power to give the holder of the environmental authority a copy of the authority that does not include the note.	23 February 2021			

**Part 4 – Special provisions about voluntary submission of transitional environmental programs**

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	352(1)	In specified circumstances, the power to give written notice to a person of:	23 February 2021			

		(a) receiving a program notice; and (b) the day by which a draft transitional environmental program dealing with the activity must be submitted for approval.				
Administerin g Authority	355(1)	In certain circumstances, power to apply to the Court for an order that section 353(1) does not apply to the person for any continuation of the original offence.	23 February 2021			

**Part 4A – Temporary emissions licences**

<b>Entity power given to</b>	<b>Section of ENPA</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>
Administerin g Authority	357E(1)	Power to: (a) grant the application for a temporary emissions licence: (i) as submitted; (ii) on different terms than have been requested in the application; or (b) refuse to grant the application for a temporary emissions licence.	23 February 2021			
Administerin g Authority	357E(2)	Power to impose conditions on the temporary emissions licence it considers are necessary or desirable.	23 February 2021			
Administerin g Authority	357F	Power to give the applicant an information notice about the decision if the decision is to:	23 February 2021			

		(a) grant the application on different terms than have been requested in the application: or (b) refuse the application.				
Administerin g Authority	357J	In certain circumstances, power to amend, cancel or suspend a temporary emissions licence.	23 February 2021			

## Part 5 – Environmental protection orders

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administerin g Authority	358	In specified circumstances, the power to issue an order (an <b><i>environmental protection order</i></b> ) to a person.	23 February 2021			
Administerin g Authority	359	Before deciding to issue an environmental protection order, the power to consider the standard criteria.	23 February 2021			

## CHAPTER 9 – INVESTIGATION AND ENFORCEMENT

### Part 1 – Administration generally

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
As delegate of the Chief	445(1)(c) <sup>3</sup>	In the specified circumstances, the power to appoint an authorised person.	23 February 2021			

<sup>3</sup> The power is subject to the following limitations as per the instrument of delegation of the Chief Executive of the Environmental Protection Agency dated 7 February 2008 (copy attached).

1. The only powers under the *Environmental Protection Act 1994* the authorised person who is appointed by the Local Govt is to exercise are:

Executive of the Environmental Protection Agency: 516(1)(b) and 517						
Chief Executive Officer	445(2)	Power to appoint an employee of a local government to be an authorised person	Delegation not required		Sub-delegation is not recommended	
As delegate of the Chief Executive of the Environmental Protection Agency: 516(1)(b) & 517.	448 <sup>4</sup>	In the specified circumstances, the power to issue an identity card to each authorised person appointed.	23 February 2021			
Administering Authority	451(1)	In the specified circumstances, the power to give a notice under section 451 of the Environmental Protection Act 1994 to a person requiring the person to give information relevant to the	23 February 2021			

(a) Sections 440J, 452, 453, 455, 456, 457, 459, 460, 461, 462, 463A, 463, 464, 465 and 466 of the *Environmental Protection Act 1994*; and

(b) Only to be used in relation to those matters referred to in s.440D of the *Environmental Protection Act 1994*; and

2. That the certificates issued pursuant to s.490 of the *Environmental Protection Act 1994* are only used in respect of Court proceedings in relation to those matters referred to in s.440D of the *Environmental Protection Act 1994*.

<sup>4</sup> The power is subject to the following limitations as per the instrument of delegation of the Chief Executive of the Environmental Protection Agency dated 7 February 2008 (copy attached).

1. The only powers under the *Environmental Protection Act 1994* the authorised person who is appointed by the Local Govt is to exercise are:
  - (a) Sections 440J, 452, 453, 455, 456, 457, 459, 460, 461, 462, 463A, 463, 464, 465 and 466 of the *Environmental Protection Act 1994*; and
  - (b) Only to be used in relation to those matters referred to in s.440D of the *Environmental Protection Act 1994*; and
2. That the certificates issued pursuant to s.490 of the *Environmental Protection Act 1994* are only used in respect of Court proceedings in relation to those matters referred to in s.440D of the *Environmental Protection Act 1994*.

		administration and enforcement of the Environmental Protection Act 1994.				
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**Part 2 – Powers of authorised persons for places and vehicles**

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	454(1)	Power to believe on reasonable grounds land is contaminated land	23 February 2021			
Administering Authority	454(3)(b)	Power to give written notice to the owner and occupier.	23 February 2021			
Administering Authority	458(2)	<p>In specified circumstances, the power to give written notice of an application made under section 458(1) of the Environmental Protection Act 1994 to:</p> <ul style="list-style-type: none"> <li>(a) the owner of the land; and</li> <li>(b) if the owner is not the occupier of the land - the occupier; and</li> <li>(c) if the application is for an order to carry out work mentioned in section 458(1)(a) of the Environmental Protection Act 1994: <ul style="list-style-type: none"> <li>(i) the environmental authority holder; or</li> <li>(ii) transitional environmental program approval holder; or</li> <li>(iii) the registered operator.</li> </ul> </li> <li>(d) if the application is for an order to take actions required under a</li> </ul>	23 February 2021			

		clean-up notice – the recipient of the notice.				
Administerin g Executive	463(2)	In specified circumstances, the power to direct the destruction or disposal of a forfeited thing.	Delegation not required			
As delegate of the Chief Executive of the Environmental Protection Agency: 516(1)(b) and 517.	490	In specified circumstances, the power to issue a certificate.	23 February 2021			

## CHAPTER 10 – LEGAL PROCEEDINGS

### Part 3 – Legal proceedings

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administerin g Authority	502A(2)	Power to carry out work or take any other action reasonably necessary to fulfil the requirements of an order made against a person under section 502.	23 February 2021			

### Part 5 – Enforceable undertakings

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administerin g Authority	507(1)	Power to accept an enforceable undertaking.	23 February 2021			

Administerin g Authority	507(3)	Power to give written notice of: (a) administering authority's decision to accept or reject the enforceable undertaking; and (b) the reasons for the decision.	23 February 2021			
Administerin g Authority	507(4)	Power to form a reasonable belief that the undertaking will: (a) secure compliance with the Act; and (b) enhance the protection of the environment.	23 February 2021			
Administerin g Authority	509(1)	Power to give written agreement to: (a) withdraw the undertaking; or (b) vary the undertaking.	23 February 2021			
Administerin g Authority	510	Power to amend an enforceable undertaking with the written agreement of the person who made the undertaking.	23 February 2021			
Administerin g Authority	511	Power to: (a) amend an enforceable undertaking to correct a clerical or formal error; and (b) give written notice of the amendment to the enforceable undertaking.	23 February 2021			
Administerin g Authority	512(1)	Power to amend or suspend an enforceable undertaking if the administering authority is satisfied of the requirements in paragraphs (a) – (d).	23 February 2021			

Administerin g Authority	512(2)	Power to give a notice stating proposed action in respect of the enforceable undertaking.	23 February 2021			
Administerin g Authority	512(4)	Power to consider written representations.	23 February 2021			
Administerin g Authority	512(5)	Power to decide to take action under the section.	23 February 2021			
Administerin g Authority	512(6)	Power to give an information notice about the decision within 10 business days after making the decision.	23 February 2021			
Administerin g Authority	512(7)	Power to give written notice of a decision not to take action.	23 February 2021			
Administerin g Authority	513(2)	Power to apply to the Magistrates Court for an order about contravention of enforceable undertaking.	23 February 2021			

## CHAPTER 11 – ADMINISTRATION

### Part 2 – Delegations

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Chief Executive Officer (both as Chief Executive Officer and as Administerin g Executive)	517(2)	Power to delegate their powers under this Act to an appropriately qualified employee of the local government.	CEO Power – No delegation required	Do not recommend sub-delegation		

**Part 3 – Review of decisions and appeals**

**Division 2 – Internal review of decisions**

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	521(2)(a)(ii)	In specified circumstances, the power to allow a longer period within which an application for a review of an original decision must be made.	23 February 2021			
Administering Authority	521(5)	In specified circumstances, the power to, within the decision period for a review of an original decision: (a) review the original decision; and (b) consider any submissions properly made by a recipient of a review notice; and (c) make a decision (the <b>review decision</b> ) to: (i) confirm or revoke the original decision; or (ii) vary the original decision in a way considered appropriate.	23 February 2021			
Administering Authority	521(8)	Within 10 business days after making a review decision, the power to give written notice of the review decision to the applicant and persons who were given notice of the original decision.	23 February 2021			

### Division 3 – Appeals

#### Subdivision 2 – Appeals to court

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Dissatisfied person	531(1)	In certain circumstances, power to may appeal against the decision to the Court.	We recommend that this power be delegated on a case by case basis.		We recommend that this power be sub-delegated on a case by case basis.	

### Part 4 – General

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Executive	544(1)	Power to approve forms.	Delegation not required			

## CHAPTER 12 – MISCELLANEOUS

### Part 3A – Auditors

#### Division 1 – Preliminary

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Auditor	568	Power to, subject to the terms of an approval under division 2: (a) conduct environmental audits and prepare environmental	23 February 2021			

		<p>reports about audits under chapter 7, part 2, division 2; and</p> <p>(b) evaluate site investigation reports, validation reports, draft site management plans and draft amendments of site management plans prepared under chapter 7, part 8 against criteria prescribed under a regulation (the prescribed criteria) and:</p> <p>(i) if the report or plan does not comply with the prescribed criteria—prepare a report about the evaluation; or</p> <p>(ii) if the report or plan complies with the prescribed criteria—provide written certification that it complies with the criteria; and</p> <p>(c) audit or evaluate another matter or thing prescribed under a regulation and prepare a report or written certification about the audit or evaluation.</p>				
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## CHAPTER 13 – SAVINGS, TRANSITIONAL AND RELATED PROVISIONS

### Part 5 – Transitional provisions for Environmental Protection Legislation Amendment Act 2003

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	620(2)	In the specified circumstances, the power to change or cancel a condition of an environmental authority.	23 February 2021			
Administering Authority	620(5)(b)	In the specified circumstances, if a condition has changed or cancelled, the power to, within the specified time period, give the registered operator: (i) a copy of the development conditions as applying after the change or cancellation; and (ii) a registration certificate.	23 February 2021			
Administering Authority	621(1)	Power to, for an activity being carried out under an environmental authority mentioned in section 619(1) of the Environmental Protection Act 1994, give to the person carrying out the activity: (a) if the activity was carried out at 1 location - a development approval for the location; or (b) if the activity was carried at more than 1 location and is not a mobile and temporary environmentally relevant activity -	23 February 2021			

		<p>a development approval for each location; or</p> <p>(c) if the activity is a mobile and temporary environmentally relevant activity - a development approval for a mobile and temporary environmentally relevant activity.</p>				
Administerin g Authority	621(2)	If the person carrying out the activity does not have a registration certificate for the activity, the power to also give the person a registration certificate for the activity.	23 February 2021			
Administerin g Authority	621(4)	If you act under section 621(1) or (2) of the Environmental Protection Act 1994, the power to give the person carrying out the activity an information notice about your decision to give the approval or approval and certificate.	23 February 2021			
Administerin g Authority	623(2)	In specified circumstances, the power to give a registered operator a notice stating that you are satisfied that the risk of environmental harm from carrying out the activity is no longer insignificant.	23 February 2021			
Administerin g Authority	626(3)(a)	In specified circumstances, the power to, by written notice, ask an applicant to give a stated document or information relevant to an application.	23 February 2021			

**Part 6 – Transitional provisions for Petroleum and Other Legislation Amendment Act 2004**

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administerin g Authority	634(1)	In specified circumstances, the power to amend a condition about financial assurance imposed under Part 7, Chapter 13 of the Environmental Protection Act 1994 to require the giving of replacement financial assurance, in a form and amount decided by you.	23 February 2021			

**Part 17 – Transitional provisions for the Environmental Protection and Other Legislation Amendment Act 2011**

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administerin g Authority	671(2)	Power to consider, or continue to consider, the draft transitional environment program and decide whether to approve an existing draft transitional environment program under the unamended Act.	23 February 2021			

**Part 18 – Transitional provisions for Environmental Protection (Greentape Reduction) and Other Legislation Amendment Act 2012**

**Division 5 –Transitional authorities for environmentally relevant activities**

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	697(1)	Power to decide whether to approve the application or refuse the application.	23 February 2021			
Administering Authority	698(1)	In certain circumstances, power to: (a) amend the environmental authority to give effect to the conversion; and (b) issue the amended environmental authority to the applicant.	23 February 2021			
Administering Authority	698(2)	In certain circumstances, power to give the applicant an information notice about the decision.	23 February 2021			

**Division 5A – Suspended activities**

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	698B	Power to approve an application to convert the surrendered registration certificate to an environmental authority that has been suspended under chapter 5, part 11A (a <b>conversion application</b> ).	23 February 2021			

**Division 6 – Financial assurance**

<b>Entity power given to</b>	<b>Section of ENPA</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>
Administerin g Authority	699(4)	Power to amend the environmental authority to impose a condition about financial assurance.	23 February 2021			
Administerin g Authority	699(5)	Power to give written notice of the amendment.	23 February 2021			

**Division 8 – Provisions about environmental management plans**

<b>Entity power given to</b>	<b>Section of ENPA</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>
Administerin g Authority	701(2)	Power to amend the new authority to impose conditions consistent with the environmental management plan.	23 February 2021			

[2019 12 09 - ENPA - Delegation Table]

# INSTRUMENT OF SUB-DELEGATION

**Torres Strait Island Regional Council**  
*Environmental Protection Act 1994 ("ENPA")*

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**

## Schedule 1

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

## POWERS SUB-DELEGATED

### *Environmental Protection Act 1994 ("ENPA")*

#### CHAPTER 5 – ENVIRONMENTAL AUTHORITIES FOR ENVIRONMENTALLY RELEVANT ACTIVITIES

##### Part 2 – Application Stage

##### Division 4 – Notices about not properly made applications

Entity power given to	Section of ENPA	Description
Administering Authority	128(2)	In certain circumstances, the power to give the applicant a notice.
Administering Authority	129(2)	In certain circumstances, the power to agree to a further period with the applicant.

##### Division 5 – Joint applicants

Entity power given to	Section of ENPA	Description
Administering Authority	130(3)	In certain circumstances, the power to: <ul style="list-style-type: none"> <li>(a) give a notice or other document relating to the application to all the applicants, by giving it to the principal applicant nominated in the application; or</li> <li>(b) make a requirement under this chapter relating to the application of all the applicants, by making it of the principal applicant nominated in the application.</li> </ul>

##### Division 6 – Changing applications

##### *Subdivision 1 – Preliminary*

Entity power given to	Section of ENPA	Description
Administering Authority	131(d)	In certain circumstances, power to be satisfied that a change would not adversely affect the ability of the authority to assess the changed application.

##### *Subdivision 3 – Changed applications – effect on assessment process*

Entity power given to	Section of ENPA	Description
Administering Authority	133(1)(b)	Power to agree in writing to the change.
Administering Authority	134(4)	In certain circumstances, the power to be satisfied that the change would not be likely to attract a submission objecting to the thing the subject of the change, if the notification stage were to apply to the change.

**Part 3 –****Information stage****Division 2 – Information requests**

Entity power given to	Section of ENPA	Description
Administering Authority	140(1)	Power to ask the applicant, by written request (an <b>information request</b> ), to give further information needed to assess the application.
Administering Authority	143(2)	In certain circumstances, the power to include in an information request a requirement that the applicant provide an EIS for the application.
Administering Authority	145(1)	Power to, by written notice given to the applicant and without the applicant's agreement, extend the information request period by not more than 10 business days.
Administering Authority	145(3)	Power to request a further extension of the information request period.
Administering Authority	147(3)	Power to, within 5 business days after receiving the request: (a) decide whether to agree to the extension; and (b) give an information notice of the decision.

**Part 4 –****Notification stage****Division 1 – Preliminary**

Entity power given to	Section of ENPA	Description
Administering Authority	150(1)(d)	In certain circumstances, the power to be satisfied that the change would not be likely to attract a submission objecting to the thing the subject of the change, if the notification stage were to apply to the change.

**Division 2 – Public notice**

Entity power given to	Section of ENPA	Description
Administering Authority	152(3)	Power to: (a) give the applicant an information notice about the decision before the application notice is given; and (b) decide an additional or substituted way to give or publish the application notice.
Administering Authority	159(2)	In certain circumstances, power to decide whether to allow the application to proceed under this part as if the noncompliance had not happened.
Administering Authority	159(3)	In certain circumstances, power to be satisfied that there has been substantial compliance with the public notice requirements.
Administering Authority	159(4)	In certain circumstances, power to within 10 business days after the decision is made, give the applicant written notice of the decision.
Administering Authority	159(5)(b)(i)	In certain circumstances, power to: (a) fix a substituted way to give or publish the application notice; and (b) give the applicant written notice of the substituted way.

Administering Authority	159(5)(b)(ii)	In certain circumstances, power to: (a) fix a new submission period for the application; and (b) give the applicant written notice of the period.
Administering Authority	159(5)(b)(iii)	In certain circumstances, power to give the applicant an information notice about the decision.

### **Division 3 – Submissions about applications**

<b>Entity power given to</b>	<b>Section of ENPA</b>	<b>Description</b>
An Entity	160	Power to, within the submission period, make a submission to the administering authority about the application.
Administering Authority	161(3)	Power to accept a written submission even if it is not a properly made submission.
An Entity	162(1)	In certain circumstances, power to, by written notice, amend or replace a submission.

## **Part 5 –**

### **Decision stage**

### **Division 2 – Deciding an application**

#### ***Subdivision 1 – Decision period***

<b>Entity power given to</b>	<b>Section of ENPA</b>	<b>Description</b>
Administering Authority	168(2)	In certain circumstances, the power to, by written notice given to the applicant and without the applicant's agreement, extend the period mentioned in subsection 168(1) by not more than 20 business days.
Administering Authority	168(4)	Power to request a further extension of the decision period.

#### ***Subdivision 2 – Decision***

<b>Entity power given to</b>	<b>Section of ENPA</b>	<b>Description</b>
Administering Authority	170(2)(a)	In certain circumstances, the power to decide that the application be approved subject to the standard conditions for the relevant activity or authority.
Administering Authority	170(2)(b)	In certain circumstances, the power to decide that the applicant be issued an environmental authority on conditions that are different to the standard conditions for the activity or authority.
Administering Authority	171(2)(a)	In certain circumstances, the power to decide that the application be approved subject to conditions that are different to the standard conditions for the activity or authority.
Administering Authority	171(2)(b)	In certain circumstances, the power to decide that the applicant be issued an environmental authority subject to the standard conditions for the activity or authority.
Administering Authority	172(2)	In certain circumstances, the power to decide that the application: (a) be approved subject to conditions; or (b) be refused.
Administering Authority	173(1)	Power to refuse an application if the applicant is not a registered suitable operator.

Administering Authority	173(3)	In certain circumstances, power to refuse an application for an environmental authority.
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#### **Division 4 – Steps after deciding application**

<b>Entity power given to</b>	<b>Section of ENPA</b>	<b>Description</b>
Administering Authority	195	In certain circumstances, power to issue an environmental authority to the applicant.
Administering Authority	198(2)	In certain circumstances, power to give the application an information notice about the decision.
Administering Authority	198(4)	In certain circumstances, power to give any submitter for the application an information notice about the decision.

#### **Division 6 – Conditions**

<b>Entity power given to</b>	<b>Section of ENPA</b>	<b>Description</b>
Administering Authority	203(1)	Power to impose a condition on an environmental authority or draft environmental authority if: (a) it considers the condition is necessary or desirable; and (b) if the authority is for an application to which section 115 applies - the condition relates to the carrying out of the relevant prescribed ERA.
Administering Authority	203(2)	In certain circumstances, power to impose a condition on an environmental authority or draft environmental authority.
Administering Authority	204(2)	In certain circumstances, power to impose on the authority a condition requiring the holder of the authority to take all reasonable steps to ensure the relevant activity complies with the eligibility criteria for the activity.
Administering Authority	209(4)	Power to enter into an agreement to establish obligations, or secure the performance, of a party to the agreement about a condition.

### **Part 6 – Amending environmental authorities by administering authority**

#### **Division 1 – Amendments**

<b>Entity power given to</b>	<b>Section of ENPA</b>	<b>Description</b>
Administering Authority	211	In certain circumstances, power to amend an environmental authority to correct a clerical or formal error.
Administering Authority	212(2)	Power to amend the environmental authority to ensure compliance with conditions included in a determination made by the NNTT under the Commonwealth Native Title Act, section 38(1)(c).
Administering Authority	212(3)	Power to give written notice of the amendment to the environmental authority holder.
Administering authority	212A(2)	Power to amend the environmental authority to ensure it is consistent with the regional interests development approval.
Administering authority	212A(3)	Power to given written notice the amendment to the environmental authority holder.

Administering Authority	213(2)	In certain circumstances, power to amend the existing authority to replace the existing standard conditions with the new standard conditions.
Administering Authority	213(3)	In certain circumstances, power to give written notice of the amendment to the environmental authority holder.
Administering Authority	214(2)	In certain circumstances, power to amend the environmental authority.
Administering Authority	214(3)	In certain circumstances, power to give: (a) an information notice about the amendment to the holder of the environmental authority; and (b) written notice of the amendment to the assessment manager for the development application.
Administering Authority	215(1)	In certain circumstances, power to amend an environmental authority.
Administering Authority	215(1)(a)	Power to consider the amendment is necessary or desirable because of a matter mentioned in subsection (2) and the procedure under division 2 is followed.

### Division 2 – Procedure for particular amendments

Entity power given to	Section of ENPA	Description
Administering Authority	216	Power to propose to amend an environmental authority
Administering Authority	217	Power to give the environmental authority holder a written notice (the <b>proposed amendment notice</b> ).
Administering Authority	218	Power to consider any written representation made within the period stated in the proposed amendment notice by the holder of the environmental authority.
Administering Authority	219(1)	In certain circumstances, power to believe a ground exists to make the proposed amendment, and to make the amendment.
Administering Authority	219(3)	Power to give the holder written notice of the decision.
Administering Authority	220	Power to give the environmental authority holder an information notice about the decision.

### Division 3 – Steps for amendments

Entity power given to	Section of ENPA	Description
Administering Authority	221(2)(b)	In certain circumstances, power to issue the amended environmental authority to the holder.

## Part 7 –

### Amendment of environmental authorities by application

#### Division 2A – Provision for particular amendment applications

Entity power given to	Section of ENPA	Description
Administering Authority	227A(2)	Power to refuse application within 10 business days after receiving the amendment application.

Administering Authority	227A(3)	Power to require the holder of the environmental authority to make a site-specific application for a new environmental authority.
Administering Authority	227A(5)	Power to give written notice of any refusal.

### Division 3 – Assessment level decisions

Entity power given to	Section of ENPA	Description
Administering Authority	228(1)	Power to decide whether the proposed amendment is a major or minor amendment.
Administering Authority	229	Power to give the applicant a written notice.
Administering Authority	230(2)	In certain circumstances, power to be satisfied that: <ul style="list-style-type: none"> <li>(a) there is likely to be a substantial increase in the risk of environmental harm under the amended environmental authority; and</li> <li>(b) the risk is the result of a substantial change in: <ul style="list-style-type: none"> <li>(i) the quantity or quality of contaminant permitted to be released into the environment; or</li> <li>(ii) the results of the release of a quantity or quality of contaminant permitted to be released into the environment.</li> </ul> </li> </ul>

### Division 4 – Process if proposed amendment is a major amendment

Entity power given to	Section of ENPA	Description
Administering Authority	233(3)	In certain circumstances, power to: <ul style="list-style-type: none"> <li>(a) decide another way of publishing the notice for subsection (2)(b)(ii); and</li> <li>(b) give the applicant an information notice about the decision before the notice is published.</li> </ul>
Administering Authority	237(1)(b)	Power to agree in writing to the change.
Administering Authority	238(3)(a)	In certain circumstances, power to within 10 business days after notice of the change is received, ask the applicant to give further information needed to assess the application
Administering Authority	238(7)	In certain circumstances, power to be satisfied the change would not be likely to attract a submission objecting to the thing the subject of the change, if the notification stage were to apply to the change.

### Division 5 – Process if proposed amendment is minor amendment

Entity power given to	Section of ENPA	Description
Administering Authority	240(1)	Power to decide either to approve or refuse the application: <ul style="list-style-type: none"> <li>(a) for a condition conversion – within 10 business days after the application is received (for a condition conversion); or</li> <li>(b) otherwise, within 10 business days after notice of the assessment level decision is given to the applicant.</li> </ul>

Administering Authority	240(2)	Power to be satisfied the proposed amendment is necessary or desirable.
Administering Authority	240(3)	In certain circumstances, power to make any other amendments to the conditions of the environmental authority it considers: (a) relate to the subject matter of the proposed amendment; and (b) are necessary or desirable.

### **Division 6 – Steps after deciding amendment application**

<b>Entity power given to</b>	<b>Section of ENPA</b>	<b>Description</b>
Administering Authority	242(1)(b)	In certain circumstances, power to issue the amended environmental authority to the applicant.
Administering Authority	242(3)	Power to within 5 business days after the decision is made, give the applicant an information notice about the decision.

## **Part 8 – Amalgamating environmental authorities**

### **Division 2 – Deciding amalgamation application**

<b>Entity power given to</b>	<b>Section of ENPA</b>	<b>Description</b>
Administering Authority	247(1)	Power to, within 20 business days after the day the amalgamation application is received, decide to: (a) approve the application; or (b) if the application is for an amalgamated local government authority or amalgamated project authority—refuse the application.
Administering Authority	247(2)(c)	Power to be satisfied there is an appropriate degree of integration between the activities.
Administering Authority	247(3)	Power to be satisfied the relevant activities for the existing environmental authorities are being carried out as a single integrated operation.

### **Division 3 – Miscellaneous provisions**

<b>Entity power given to</b>	<b>Section of ENPA</b>	<b>Description</b>
Administering Authority	248(b)	In certain circumstances, power to issue to the applicant: (a) if the application is for an amalgamated corporate authority – an amalgamated corporate authority; or (b) if the application is for an amalgamated local government authority – an amalgamated local government authority; or (c) if the application is for an amalgamated project authority – an amalgamated project authority.
Administering Authority	249	Power to, within 10 business days after refusing an amalgamation application, give the applicant an information notice about the decision.

#### Division 4 – De-amalgamating environmental authorities

Entity power given to	Section of ENPA	Description
Administering Authority	250C(a)	Power to de-amalgamate the relevant authority within 15 business days after receiving a de-amalgamation application that complies with section 250B.

#### Part 9 – Transferring environmental authorities for prescribed ERAs

Entity power given to	Section of ENPA	Description
Administering Authority	254(1)	Power to consider each transfer application and decide to: (a) approve the transfer; or (b) refuse the transfer.
Administering Authority	255(1)(b)	In certain circumstances, power to issue the amended environmental authority (the <b><i>transferred environmental authority</i></b> ) to each holder.
Administering Authority	255(2)	In certain circumstances, power to, within 10 business days after the decision is made, give the existing holder and the proposed holder written notice of the decision.

#### Part 10 – Surrender of environmental authorities

##### Division 1 – Preliminary

Entity power given to	Section of ENPA	Description
Administering Authority	258(2)	In certain circumstances, power to by written notice (a <b><i>surrender notice</i></b> ), require the holder of the environmental authority to make a surrender application.
Administering Authority	261(2)	In certain circumstances, power to approve a surrender application for part of the environmental authority.

##### Division 3 – Final rehabilitation reports

Entity power given to	Section of ENPA	Description
Administering Authority	264(2)(a)	Power to agree to a methodology.

##### Division 4 – Requests for information

Entity power given to	Section of ENPA	Description
Administering Authority	265	Power to ask the applicant, by written request, to give further information needed to assess the surrender application.

##### Division 5 – Deciding surrender applications

Entity power given to	Section of ENPA	Description
Administering Authority	266(1)	Power to decide to: (a) approve the surrender application; or (b) refuse the surrender application.

Administering Authority	269(a)	Power to be satisfied the conditions of the environmental authority have been complied with.
Administering Authority	269(b)(i)	Power to be satisfied the land on which each relevant activity for the environmental authority has been carried out has been satisfactorily rehabilitated.
Administering Authority	269(b)(ii)	Power to be satisfied the land will be satisfactorily rehabilitated under a transitional environmental program.
Administering Authority	269(c)	Power to be satisfied of another circumstance prescribed by regulation.

### **Division 8 – Miscellaneous provisions**

<b>Entity power given to</b>	<b>Section of ENPA</b>	<b>Description</b>
Administering Authority	275(a)(ii)	In certain circumstances, power to give the applicant written notice of the decision.
Administering Authority	275(b)	In certain circumstances, power to give the applicant an information notice about the decision.

## **Part 11 – Cancellation or suspension of environmental authorities**

### **Division 1 – Preliminary**

<b>Entity power given to</b>	<b>Section of ENPA</b>	<b>Description</b>
Administering Authority	278(1)	In certain circumstances, power to cancel or suspend an environmental authority.

### **Division 2 – Procedure for cancellation or suspension by administering authority**

<b>Entity power given to</b>	<b>Section of ENPA</b>	<b>Description</b>
Administering Authority	280(1)	Power to give the environmental authority holder a written notice.
Administering Authority	281	Power to consider any written representation made within the stated period by the environmental authority holder.
Administering Authority	282(1)	In certain circumstances, power to believe a ground exists to take the proposed action.
Administering Authority	282(1)(a)	In certain circumstances, power to suspend the environmental authority for no longer than the proposed suspension period.
Administering Authority	282(1)(b)	In certain circumstances, power to either cancel the environmental authority or suspend it for a fixed period.
Administering Authority	282(3)	Power to decide not to take the proposed action and, if so, give the environmental authority holder written notice of the decision.
Administering Authority	283(1)	Power to give the environmental authority holder an information notice about the decision.
Administering Authority	283(2)	In certain circumstances, power to give written notice of the decision to the chief executive administering the resource legislation.

**Part 11A - General provisions****Division 3 – Deciding suspension applications**

Entity power given to	Section of ENPA	Description
Administering Authority	284C	Power to decide whether to approve the application or refuse the application.
Administering Authority	284F(1)(a)(ii)	In certain circumstances, power to give the holder of the environmental authority written notice of the decision.
Administering Authority	284F(1)(b)	In certain circumstances, power to give the holder an information notice about the decision.

**Part 12 – General provisions****Division 1 – Plan of operations for environmental authority relating to mining lease or petroleum lease**

Entity power given to	Section of ENPA	Description
Administering Authority	287	Power to agree with the holder in writing to a shorter period.

**Division 2 – Financial assurance*****Subdivision 1 – Requiring financial assurance***

Entity power given to	Section of ENPA	Description
Administering Authority	292(1)	Power to, by condition of an environmental authority, require the holder of the environmental authority to give the administering authority financial assurance.
Administering Authority	292(2)	Power to be satisfied the condition is justified.
Administering Authority	292(3)	Power to require a financial assurance to remain in force until satisfied no claim is likely to be made on the assurance.

***Subdivision 2 – Amount and form of financial assurance***

Entity power given to	Section of ENPA	Description
Administering Authority	295(1)	Power to decide the amount and form of financial assurance required under a condition of an environmental authority.
Administering Authority	295(2)(c)	Power to agree with the holder of the environmental authority to a further period.
Administering Authority	295(4)	Power to form an opinion as to the amount that represents the total of likely costs and expenses that may be incurred taking action to rehabilitate or restore and protect the environment because of environmental harm that may be caused by the activity.
Administering Authority	296	Power to, within 5 business days after making a decision under section 295(1), give an information notice about the decision to the holder of the environmental authority.

### ***Subdivision 3 – Claiming or realising financial assurance***

<b>Entity power given to</b>	<b>Section of ENPA</b>	<b>Description</b>
Administering Authority	299(2)	Power to must give written notice to the entity who gave the financial assurance.
Administering Authority	300	Power to consider any written representations made within the stated period by the entity who gave the financial assurance.
Administering Authority	301(1)	Power to decide whether to make a claim on or realise the financial assurance.
Administering Authority	301(2)	In certain circumstances, power to give the entity an information notice about the decision.

### ***Subdivision 4 – Amending or discharging financial assurance***

<b>Entity power given to</b>	<b>Section of ENPA</b>	<b>Description</b>
Administering Authority	304(1)	Power to, by written notice, require the applicant to give it a compliance statement for the financial assurance before deciding the application.
Administering Authority	305(1)(a)	Power to approve or refuse the application.
Administering Authority	305(1)(b)	In certain circumstances, power to give the applicant an information notice about the decision.
Administering Authority	305(3)	Power to be satisfied no claim is likely to be made on the assurance.
Administering Authority	305(5)	Power to withhold making a decision under subsection (1).
Administering Authority	306(1)	In certain circumstances, power to, at any time, require the holder of an environmental authority or small scale mining tenure for which financial assurance has been given to change the amount of the financial assurance.
Administering Authority	306(3)	Power to give written notice to the holder of the environmental authority or small scale mining tenure.
Administering Authority	306(6)	In certain circumstances, power to consider any written submissions made by the holder within the stated period.

## **Division 3 – Annual fees and returns**

### ***Subdivision 1 – Annual notices***

<b>Entity power given to</b>	<b>Section of ENPA</b>	<b>Description</b>
Administering Authority	308(2)	In certain circumstances, power to give the environmental authority holder a written notice complying with subsection (3) (an <b><i>annual notice</i></b> ).
Administering Authority	310(1)	In certain circumstances, power to change the anniversary day, for an environmental authority for which an annual fee is prescribed under a regulation, to another day (the <b><i>new day</i></b> ).
Administering Authority	311	Power to decide whether or not to change the anniversary day to the new day.
Administering Authority	312	Power to give the holder:

		<p>(a) if the decision is to change the day – written notice of the decision; or</p> <p>(b) if the decision is not to change the day – an information notice about the decision.</p>
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#### **Division 4 – Non-compliance with eligibility criteria**

<b>Entity power given to</b>	<b>Section of ENPA</b>	<b>Description</b>
Administering Authority	314(2)	<p>In certain circumstances, power to require the holder of the environmental authority to:</p> <p>(a) make a site-specific application for a new environmental authority under part 2; or</p> <p>(b) make an amendment application for the authority under part 7.</p>
Administering Authority	314(3)	Power to give written notice of the proposed requirement to the holder of the environmental authority.
Administering Authority	314(5)	Power consider any representations made by the holder within the stated period.

#### **Division 5 – Miscellaneous provisions**

<b>Entity power given to</b>	<b>Section of ENPA</b>	<b>Description</b>
Administering Authority	315(1)	Power to ask any entity for advice, comment or information about an application made under this chapter at any time.

### **CHAPTER 7 – ENVIRONMENTAL MANAGEMENT**

#### **Part 1 – Environmental duties**

##### **Division 2 – Duty to notify of environmental harm**

##### ***Subdivision 3B – Duty of local government***

<b>Entity power given to</b>	<b>Section of ENPA</b>	<b>Description</b>
Local Government	320DB(1)	Power to give the administering authority written notice of the activity.
Local Government	320DB(2)	<p>Power to give the administering authority written notice of:</p> <p>(a) the nature of the event or change in the condition and the circumstances in which the event or change happened or is happening; or</p> <p>(b) within 24 hours after becoming aware of the event or change in condition of the land.</p>

#### **Part 2 – Environmental evaluations**

##### **Division 2 – Environmental audits**

##### ***Subdivision 1 – Audit requirements***

<b>Entity power given to</b>	<b>Section of ENPA</b>	<b>Description</b>
Administering Authority	322(1)	In certain circumstances, power to, by written notice, require the holder of an environmental authority to:

		<p>(a) conduct or commission an audit (an <b>environmental audit</b>) about a stated matter concerning a relevant activity; and</p> <p>(b) give the administering authority an environmental report on the audit.</p>
Administering Authority	322(2)	Power to be reasonably satisfied the audit is necessary or desirable.
Administering Authority	323(1)	<p>Power to be satisfied that:</p> <p>(a) a person is, or has been, contravening</p> <ul style="list-style-type: none"> <li>(i) a regulation; or</li> <li>(ii) an environmental protection policy; or</li> <li>(iii) an agricultural ERA standard; or</li> <li>(iv) a transitional environmental program; or</li> <li>(v) an enforceable undertaking; or</li> </ul> <p>(b) a person is, or has been, contravening any of the following provisions:</p> <ul style="list-style-type: none"> <li>(i) section 363E;</li> <li>(ii) section 440Q;</li> <li>(iii) section 440ZG;</li> <li>(iv) a provision of chapter 8, part 3D, 3E or 3F.</li> </ul>
Administering Authority	323(2)	<p>Power to, by written notice (also an <b>audit notice</b>), require the person to:</p> <p>(a) Conduct or commission an audit (also an <b>environmental audit</b>) about the matter; and</p> <p>(b) give the administering authority an environmental report about the audit.</p>

### Division 3 – Environmental investigations

Entity power given to	Section of ENPA	Description
Administering Authority	326B(1)	<p>Power to be satisfied on reasonable grounds that:</p> <p>(a) an event has happened causing environmental harm while an activity was being carried out; or</p> <p>(b) an activity or proposed activity is causing, or is likely to cause environmental harm.</p>
Administering Authority	326B(2)	<p>Power to, by written notice (an <b>investigation notice</b>), require the person who has carried out, is carrying out or is proposing to carry out the activity to:</p> <p>(a) conduct or commission an investigation (an <b>environmental investigation</b>) about the event or activity; and</p> <p>(b) submit an environmental report about the investigation to the authority.</p>
Administering Authority	326BA(1)	Power to be satisfied that circumstances contained in subsection (a) – (c) apply to the land.
Administering Authority	326BA(2)	<p>Power to give written notice (an investigation notice) requiring a prescribed responsible person for the land to:</p> <p>(a) conduct or commission an investigation; and</p> <p>(b) give the administering authority an investigation report.</p>

### Division 5 – Steps after receiving environmental reports

Entity power given to	Section of ENPA	Description
Administering Authority	326F(2)	Power to, by written notice, ask the recipient to give further information needed to decide whether to approve the environmental report.
Administering Authority	326G(4)	Power to decide to accept the report or to refuse to accept the report.
Administering Authority	326G(5)	Power to be satisfied that the report does not adequately address the relevant matters for the environmental investigation to which the report relates.
Administering Authority	326G(7)	In certain circumstances, power to extend the period mentioned in subsection (6) for making the decision.
Administering Authority	326G(7)(a)	Power to be satisfied that there are special circumstances for extending the time.
Administering Authority	326G(8)	Power to give the recipient written notice of the decision within 5 business days after making the decision.
Administering Authority	326H	Power to do one or more of the following: (a) require the recipient to prepare and submit a transitional environmental program to it; (b) if the recipient is the holder of an environmental authority – amend the conditions of the authority; (c) serve an environmental protection order on the recipient; or (d) take any other action it considers appropriate.
Administering Authority	326I(2)	Power to require the recipient to conduct or commission another environmental investigation and submit a report on the investigation to it.
Administering Authority	326I(3)	Power to give written notice to the recipient.

### Part 3 –

### Transitional environmental programs

#### Division 2 – Submission and approval of transitional environmental programs

Entity power given to	Section of ENPA	Description
Administering Authority	332(1)	Power to require a person or public authority to prepare and submit for approval a draft transitional environmental program as a condition of an environmental authority.
Administering Authority	332(2)	In the specified circumstances, the power to require a person or public authority to prepare and submit for approval a draft transitional environmental program.
Administering Authority	334A(1)	Power to, by written notice, ask the person or public authority that submitted the draft transitional environmental program to give further information needed to decide whether to approve the draft program.
Administering Authority	336(1)	Power to invite a person or public authority that has submitted a draft transitional environmental program and another person who has made a submission under section 335 of the Environmental Protection Act 1994 about the transitional

		environmental program, to a conference to help in deciding whether or not to approve the program.
Administering Authority	336(2)	Power to give written notice to all persons invited to attend a conference of when and where the conference is to be held.
Administering Authority	336(3)	If it's considered impracticable to give notice to all persons invited to attend a conference, the power to give notice of the conference by publishing a notice in the newspapers you decide.
Administering Authority	336(4)	In specified circumstances, the power to appoint an independent person to mediate a conference.
Administering Authority	336A(1)	Power to ask any person for advice, comment or information about a submission for approval of a transitional environmental program at any time.
Administering Authority	337(1)	In specified circumstances, the power to decide whether to approve a draft transitional environmental program within the specified time period.
Administering Authority	337(2)	In certain circumstances, power to extend the period mentioned in subsection (1) for making the decision.
Administering Authority	337(2)	Power to give an information notice about the decision to extend to the person or public authority that submitted the program and any submitters.
Administering Authority	338(1)	In deciding whether to approve or refuse to approve a draft program or the conditions (if any) of the approval, the power to: <ul style="list-style-type: none"> <li>(a) comply with any relevant regulatory requirement; and</li> <li>(b) subject to paragraph (a), consider the specified criteria.</li> </ul>
Administering Authority	339(1)	Power to: <ul style="list-style-type: none"> <li>(a) approve a draft transitional environment program: <ul style="list-style-type: none"> <li>(i) as submitted; or</li> <li>(ii) as amended at the request, or with the agreement, of the administering authority; or</li> </ul> </li> <li>(b) refuse to approve a draft transitional environmental program.</li> </ul>
Administering Authority	339(2)	Power to impose on an approval of a draft transitional environmental program: <ul style="list-style-type: none"> <li>(a) any conditions the authority must impose under a regulatory requirement;</li> <li>(b) a condition requiring the holder of the approval to give an amount of financial assurance as security for compliance with the transitional environmental program and any conditions of the program; and</li> <li>(c) any other conditions the administering authority considers appropriate.</li> </ul>
Administering Authority	340(1)	Power to, within 8 business days after making a decision under section 339, give the person or public authority that submitted the program a written notice about the decision.
Administering Authority	340(2)(b)	If the program is approved, power to state any conditions imposed on the approval by the administering authority.
Administering Authority	340(2)(c)	If the program is approved, power to state the day the approval ends.
Administering Authority	340(3)	If the program is refused, or approved with conditions, power to give an information notice.

Administering Authority	342(2)	In specified circumstances, the power to consider and decide whether to approve a draft transitional environmental program if satisfied there has been substantial compliance with the Environmental Protection Act 1994.
Administering Authority	343A(2)(B)	In certain circumstances, power to give the holder of the environmental authority a copy of the environmental authority including the note.

### **Division 3A – Financial assurances**

<b>Entity power given to</b>	<b>Section of ENPA</b>	<b>Description</b>
Administering Authority	344(3)	In specified circumstances, the power to approve an amendment of an approval for a transitional environmental program for an environmentally relevant activity.
Administering Authority	344(4)	Without limiting the matters to be considered in deciding an application, the power to have regard to the specified criteria.
Administering Authority	344A(2)	Power to may recover the reasonable costs or expenses of taking the action by making a claim on or realising the financial assurance or part of it.
Administering Authority	344A(3)	Power to give written notice to the person who gave the financial assurance.
Administering Authority	344B	Power to consider any written representations made within the stated period by the person who gave the financial assurance.
Administering Authority	344C(1)	Power to, within 10 business days after the end of the stated period, decide whether to make a claim on or realise the financial assurance.
Administering Authority	344C(2)	Power to, within 5 business days after making the decision, give the person an information notice about the decision.

### **Division 3B – Cancellation of approval for transitional environmental programs**

<b>Entity power given to</b>	<b>Section of ENPA</b>	<b>Description</b>
Administering Authority	344E(1)	Power to cancel the approval for a transitional environmental program for the reasons provided in that subsection.
Administering Authority	344E(1)(b)	Power to be satisfied the approval holder has: (i) disposed of the place or business to which the program relates; or (ii) ceased the activity to which the program relates.
Administering Authority	344E(2)(a)	Power to give a notice stating the details of the cancellation to the approval holder.
Administering Authority	344F(2)(a)	Power to withdraw the notice by another written notice.
Administering Authority	344G(2)	Power to give the holder of the environmental authority a copy of the authority that does not include the note.

**Part 4 – Special provisions about voluntary submission of transitional environmental programs**

Entity power given to	Section of ENPA	Description
Administering Authority	352(1)	In specified circumstances, the power to give written notice to a person of: (a) receiving a program notice; and (b) the day by which a draft transitional environmental program dealing with the activity must be submitted for approval.
Administering Authority	355(1)	In certain circumstances, power to apply to the Court for an order that section 353(1) does not apply to the person for any continuation of the original offence.

**Part 4A – Temporary emissions licences**

Entity power given to	Section of ENPA	Description
Administering Authority	357E(1)	Power to: (a) grant the application for a temporary emissions licence: (i) as submitted; (ii) on different terms than have been requested in the application; or (b) refuse to grant the application for a temporary emissions licence.
Administering Authority	357E(2)	Power to impose conditions on the temporary emissions licence it considers are necessary or desirable.
Administering Authority	357F	Power to give the applicant an information notice about the decision if the decision is to: (a) grant the application on different terms than have been requested in the application: or (b) refuse the application.
Administering Authority	357J	In certain circumstances, power to amend, cancel or suspend a temporary emissions licence.

**Part 5 – Environmental protection orders**

Entity power given to	Section of ENPA	Description
Administering Authority	358	In specified circumstances, the power to issue an order (an <b>environmental protection order</b> ) to a person.
Administering Authority	359	Before deciding to issue an environmental protection order, the power to consider the standard criteria.

## CHAPTER 9 – INVESTIGATION AND ENFORCEMENT

### Part 1 – Administration generally

Entity power given to	Section of ENPA	Description
As delegate of the Chief Executive of the Environmental Protection Agency: 516(1)(b) and 517	445(1)(c) <sup>5</sup>	In the specified circumstances, the power to appoint an authorised person.
Chief Executive Officer	445(2)	Power to appoint an employee of a local government to be an authorised person
As delegate of the Chief Executive of the Environmental Protection Agency: 516(1)(b) & 517.	448 <sup>6</sup>	In the specified circumstances, the power to issue an identity card to each authorised person appointed.
Administering Authority	451(1)	In the specified circumstances, the power to give a notice under section 451 of the Environmental Protection Act 1994 to a person requiring the person to give information relevant to the administration and enforcement of the Environmental Protection Act 1994.

### Part 2 – Powers of authorised persons for places and vehicles

Entity power given to	Section of ENPA	Description
Administering Authority	454(1)	Power to believe on reasonable grounds land is contaminated land
Administering Authority	454(3)(b)	Power to give written notice to the owner and occupier.
Administering Authority	458(2)	In specified circumstances, the power to give written notice of an application made under section 458(1) of the Environmental Protection Act 1994 to: (a) the owner of the land; and

<sup>5</sup> The power is subject to the following limitations as per the instrument of delegation of the Chief Executive of the Environmental Protection Agency dated 7 February 2008 (copy attached).

1. The only powers under the *Environmental Protection Act 1994* the authorised person who is appointed by the Local Govt is to exercise are:
  - (a) Sections 440J, 452, 453, 455, 456, 457, 459, 460, 461, 462, 463A, 463, 464, 465 and 466 of the *Environmental Protection Act 1994*; and
  - (b) Only to be used in relation to those matters referred to in s.440D of the *Environmental Protection Act 1994*; and
2. That the certificates issued pursuant to s.490 of the *Environmental Protection Act 1994* are only used in respect of Court proceedings in relation to those matters referred to in s.440D of the *Environmental Protection Act 1994*.

<sup>6</sup> The power is subject to the following limitations as per the instrument of delegation of the Chief Executive of the Environmental Protection Agency dated 7 February 2008 (copy attached).

1. The only powers under the *Environmental Protection Act 1994* the authorised person who is appointed by the Local Govt is to exercise are:
  - (a) Sections 440J, 452, 453, 455, 456, 457, 459, 460, 461, 462, 463A, 463, 464, 465 and 466 of the *Environmental Protection Act 1994*; and
  - (b) Only to be used in relation to those matters referred to in s.440D of the *Environmental Protection Act 1994*; and
2. That the certificates issued pursuant to s.490 of the *Environmental Protection Act 1994* are only used in respect of Court proceedings in relation to those matters referred to in s.440D of the *Environmental Protection Act 1994*.

		<p>(b) if the owner is not the occupier of the land - the occupier; and</p> <p>(c) if the application is for an order to carry out work mentioned in section 458(1)(a) of the Environmental Protection Act 1994:</p> <p>(i) the environmental authority holder; or</p> <p>(ii) transitional environmental program approval holder; or</p> <p>(iii) the registered operator.</p> <p>(d) if the application is for an order to take actions required under a clean-up notice – the recipient of the notice.</p>
Administering Executive	463(2)	In specified circumstances, the power to direct the destruction or disposal of a forfeited thing.
As delegate of the Chief Executive of the Environmental Protection Agency: 516(1)(b) and 517.	490	In specified circumstances, the power to issue a certificate.

## CHAPTER 10 – LEGAL PROCEEDINGS

### Part 3 – Legal proceedings

Entity power given to	Section of ENPA	Description
Administering Authority	502A(2)	Power to carry out work or take any other action reasonably necessary to fulfil the requirements of an order made against a person under section 502.

### Part 5 – Enforceable undertakings

Entity power given to	Section of ENPA	Description
Administering Authority	507(1)	Power to accept an enforceable undertaking.
Administering Authority	507(3)	Power to give written notice of: <p>(a) administering authority's decision to accept or reject the enforceable undertaking; and</p> <p>(b) the reasons for the decision.</p>
Administering Authority	507(4)	Power to form a reasonable belief that the undertaking will: <p>(a) secure compliance with the Act; and</p> <p>(b) enhance the protection of the environment.</p>
Administering Authority	509(1)	Power to give written agreement to: <p>(a) withdraw the undertaking; or</p> <p>(b) vary the undertaking.</p>
Administering Authority	510	Power to amend an enforceable undertaking with the written agreement of the person who made the undertaking.
Administering Authority	511	Power to: <p>(a) amend an enforceable undertaking to correct a clerical or formal error; and</p> <p>(b) give written notice of the amendment to the enforceable undertaking.</p>

Administering Authority	512(1)	Power to amend or suspend an enforceable undertaking if the administering authority is satisfied of the requirements in paragraphs (a) – (d).
Administering Authority	512(2)	Power to give a notice stating proposed action in respect of the enforceable undertaking.
Administering Authority	512(4)	Power to consider written representations.
Administering Authority	512(5)	Power to decide to take action under the section.
Administering Authority	512(6)	Power to give an information notice about the decision within 10 business days after making the decision.
Administering Authority	512(7)	Power to give written notice of a decision not to take action.
Administering Authority	513(2)	Power to apply to the Magistrates Court for an order about contravention of enforceable undertaking.

## CHAPTER 11 – ADMINISTRATION

### Part 2 – Delegations

Entity power given to	Section of ENPA	Description
Chief Executive Officer (both as Chief Executive Officer and as Administering Executive)	517(2)	Power to delegate their powers under this Act to an appropriately qualified employee of the local government.

### Part 3 – Review of decisions and appeals

#### Division 2 – Internal review of decisions

Entity power given to	Section of ENPA	Description
Administering Authority	521(2)(a)(ii)	In specified circumstances, the power to allow a longer period within which an application for a review of an original decision must be made.
Administering Authority	521(5)	In specified circumstances, the power to, within the decision period for a review of an original decision: <ul style="list-style-type: none"> <li>(a) review the original decision; and</li> <li>(b) consider any submissions properly made by a recipient of a review notice; and</li> <li>(c) make a decision (the <b>review decision</b>) to: <ul style="list-style-type: none"> <li>(i) confirm or revoke the original decision; or</li> <li>(ii) vary the original decision in a way considered appropriate.</li> </ul> </li> </ul>
Administering Authority	521(8)	Within 10 business days after making a review decision, the power to give written notice of the review decision to the applicant and persons who were given notice of the original decision.

## **Division 3 – Appeals**

### ***Subdivision 2 – Appeals to court***

<b>Entity power given to</b>	<b>Section of ENPA</b>	<b>Description</b>
Dissatisfied person	531(1)	In certain circumstances, power to may appeal against the decision to the Court.

## **Part 4 – General**

<b>Entity power given to</b>	<b>Section of ENPA</b>	<b>Description</b>
Administering Executive	544(1)	Power to approve forms.

## **CHAPTER 12 – MISCELLANEOUS**

### **Part 3A – Auditors**

#### **Division 1 – Preliminary**

<b>Entity power given to</b>	<b>Section of ENPA</b>	<b>Description</b>
Auditor	568	Power to, subject to the terms of an approval under division 2: (a) conduct environmental audits and prepare environmental reports about audits under chapter 7, part 2, division 2; and (b) evaluate site investigation reports, validation reports, draft site management plans and draft amendments of site management plans prepared under chapter 7, part 8 against criteria prescribed under a regulation (the prescribed criteria) and: (i) if the report or plan does not comply with the prescribed criteria—prepare a report about the evaluation; or (ii) if the report or plan complies with the prescribed criteria—provide written certification that it complies with the criteria; and (c) audit or evaluate another matter or thing prescribed under a regulation and prepare a report or written certification about the audit or evaluation.

## **CHAPTER 13 – SAVINGS, TRANSITIONAL AND RELATED PROVISIONS**

### **Part 5 – Transitional provisions for Environmental Protection Legislation Amendment Act 2003**

<b>Entity power given to</b>	<b>Section of ENPA</b>	<b>Description</b>
Administering Authority	620(2)	In the specified circumstances, the power to change or cancel a condition of an environmental authority.
Administering Authority	620(5)(b)	In the specified circumstances, if a condition has changed or cancelled, the power to, within the specified time period, give the registered operator:

		<p>(i) a copy of the development conditions as applying after the change or cancellation; and</p> <p>(ii) a registration certificate.</p>
Administering Authority	621(1)	<p>Power to, for an activity being carried out under an environmental authority mentioned in section 619(1) of the Environmental Protection Act 1994, give to the person carrying out the activity:</p> <p>(a) if the activity was carried out at 1 location - a development approval for the location; or</p> <p>(b) if the activity was carried at more than 1 location and is not a mobile and temporary environmentally relevant activity - a development approval for each location; or</p> <p>(c) if the activity is a mobile and temporary environmentally relevant activity - a development approval for a mobile and temporary environmentally relevant activity.</p>
Administering Authority	621(2)	If the person carrying out the activity does not have a registration certificate for the activity, the power to also give the person a registration certificate for the activity.
Administering Authority	621(4)	If you act under section 621(1) or (2) of the Environmental Protection Act 1994, the power to give the person carrying out the activity an information notice about your decision to give the approval or approval and certificate.
Administering Authority	623(2)	In specified circumstances, the power to give a registered operator a notice stating that you are satisfied that the risk of environmental harm from carrying out the activity is no longer insignificant.
Administering Authority	626(3)(a)	In specified circumstances, the power to, by written notice, ask an applicant to give a stated document or information relevant to an application.

**Part 6 – Transitional provisions for Petroleum and Other Legislation Amendment Act 2004**

Entity power given to	Section of ENPA	Description
Administering Authority	634(1)	In specified circumstances, the power to amend a condition about financial assurance imposed under Part 7, Chapter 13 of the Environmental Protection Act 1994 to require the giving of replacement financial assurance, in a form and amount decided by you.

**Part 17 – Transitional provisions for the Environmental Protection and Other Legislation Amendment Act 2011**

Entity power given to	Section of ENPA	Description
Administering Authority	671(2)	Power to consider, or continue to consider, the draft transitional environment program and decide whether to approve an existing draft transitional environment program under the unamended Act.

**Part 18 –****Transitional provisions for Environmental Protection (Greentape Reduction) and Other Legislation Amendment Act 2012****Division 5 – Transitional authorities for environmentally relevant activities**

Entity power given to	Section of ENPA	Description
Administering Authority	697(1)	Power to decide whether to approve the application or refuse the application.
Administering Authority	698(1)	In certain circumstances, power to: (a) amend the environmental authority to give effect to the conversion; and (b) issue the amended environmental authority to the applicant.
Administering Authority	698(2)	In certain circumstances, power to give the applicant an information notice about the decision.

**Division 5A – Suspended activities**

Entity power given to	Section of ENPA	Description
Administering Authority	698B	Power to approve an application to convert the surrendered registration certificate to an environmental authority that has been suspended under chapter 5, part 11A (a <b>conversion application</b> ).

**Division 6 – Financial assurance**

Entity power given to	Section of ENPA	Description
Administering Authority	699(4)	Power to amend the environmental authority to impose a condition about financial assurance.
Administering Authority	699(5)	Power to give written notice of the amendment.

**Division 8 – Provisions about environmental management plans**

Entity power given to	Section of ENPA	Description
Administering Authority	701(2)	Power to amend the new authority to impose conditions consistent with the environmental management plan.

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

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

[2019 12 09 - ENPA - 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 (section 9(3) LGA 2009); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
  - 
  - a. impact on land and/or sea; and/or
  - b. involve payment of compensation regarding land; and/or
  - c. require a budget amendment.

# **INSTRUMENT OF DELEGATION**

## **Torres Strait Island Regional Council** ***Environmental Protection Regulation 2019 ("ENPR")***

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

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

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

***Environmental Protection Regulation 2019 ("ENPR")*****CHAPTER 3 – ENVIRONMENTALLY RELEVANT ACTIVITIES****Part 1 – Environmentally relevant activities – general matters****Division 3 – Development application relating to concurrence ERAs**

Entity power given to	Section of ENPR	Description
Assessment Manager or Referral Agency	21(4)	Power to consider the specified benchmarks under section 22(2).

**CHAPTER 4 – REGULATORY REQUIREMENTS<sup>1</sup>****Part 2 – Regulatory requirements for all environmental decision**

Entity power given to	Section of ENPR	Description
Administering Authority	35(1)	<p>Power to when making an environmental management decision relating to an environmentally relevant activity, other than the prescribed ERA;</p> <ul style="list-style-type: none"> <li>(a) carry out an environmental objective assessment against the environmental objective and performance outcomes mentioned in schedule 8, part 3, division 1 and 2; and</li> <li>(b) consider the environmental values declared under this regulation; and</li> <li>(c) if the activity is to be carried out in a strategic environmental area – consider the impacts of the activity on the environmental attributes for the area under the <i>Regional Planning Interests Act 2014</i>; and</li> <li>(d) consider each of the following under any relevant environmental protection policies- <ul style="list-style-type: none"> <li>(i) the management hierarchy;</li> <li>(ii) environmental values;</li> <li>(iii) quality objectives;</li> <li>(iv) the management intent; and</li> </ul> </li> <li>(e) if the bilateral agreement requires the matters of national environmental significance to be consider- consider those matters.</li> </ul>
Administering Authority	35(3)	<p>In the specified circumstances, power to:</p> <ul style="list-style-type: none"> <li>(a) carry out an environmental objective assessment against the environmental objective and performance outcomes mentioned in schedule 8, part 3, division 1; and</li> </ul>

<sup>1</sup> The powers under Chapter 4 may only be exercised by a local government for a matter the enforcement and administration of which has been devolved to the local government under Chapter 8, Part 1, Division 1 and which has not been excluded by Chapter 8, Part 1, Division 2.

		(b) consider the matters mentioned in subsection (1)(b), (c) and (d).
Administering Authority	35(4)	<p>In the specified circumstances, power to:</p> <p>(a) carry out an environmental objective assessment against the environmental objectives for water and groundwater mentioned in schedule 8, part 3, division 1, to the extent the performance outcomes for the environmental objectives relate to fine sediment, or dissolved inorganic nitrogen, entering the water of the Great Barrier Reef;</p> <p>(b) consider each environmental value, declared under this regulation, to the extent the value relates to fine sediment, or dissolved inorganic nitrogen, entering the water of the Great Barrier Reef; and</p> <p>(c) if the activity is to be carried out in a strategic environmental area – consider the impacts of the activity on each environmental attribute for the area under the <i>Regional Planning Interests act 2014</i>, to the extent the attribute relates to fine sediment, or dissolved inorganic nitrogen, entering the water of the Great Barrier Reef; and</p> <p>(d) consider each of the following matters under a relevant environmental protection policy, to the extent the matter relates to fine sediment, or dissolved inorganic nitrogen, entering water of the Great Barrier Reef:</p> <ul style="list-style-type: none"> <li>(i) the management hierarchy;</li> <li>(ii) environmental values;</li> <li>(iii) quality objectives;</li> <li>(iv) the management intent.</li> </ul>
Administering Authority	36(1)	Power to, when making an environmental management decision relating to an activity, consider whether to impose conditions about each of the specified matters.
Administering Authority	37(1)	Power to, when making an environmental management decision relating to an activity, consider whether to impose monitoring conditions about the release of contaminants from the activity on the receiving environment.
Administering Authority	37(2)	Power to, when considering whether to impose a monitoring condition, consider the specified matters.

**Part 3 – Additional regulatory requirements for particular environmental management decisions**

Entity power given to	Section of ENPR	Description
Administering Authority	40(2)	In the specified circumstances, power to refuse to grant an application if the authority considers that, because of the activity, the wetland may be destroyed or reduced in size or the biological integrity of the wetland may not be maintained.
Administering Authority	41(2)	In the specified circumstances, power to refuse to grant an application if the authority considers one of the specified matters to be relevant.
Administering Authority	41AA(3)	<p>Power to consider:</p> <p>(a) the relevant activity will, or may, have a residual impact; and</p>

		(b) having regard to the matters mentioned in the water quality offset policy, the residual impact will not be adequately counterbalanced by offset measures.
Administering Authority	41AB	In the specified circumstances, power to refuse to grant an application if the authority considers that a transshipping activity is to be carried out within a particular area.

## CHAPTER 5 – MATTERS RELATING TO ENVIRONMENTAL MANAGEMENT AND ENVIRONMENTAL OFFENCES

### Part 1 – Categorisation of commercial waste and industrial waste

#### Division 3 – Notification, reporting and record keeping

Entity power given to	Section of ENPR	Description
Generator of waste	51(2)	In the specified circumstances, power to notify the administering authority of the change in waste types within 24 hours after receiving the test results for the retesting.
Generator of waste	51(3)	In the specified circumstances, within 10 business days of receiving the test results for the retesting of the waste, power to give the administering authority a written report stating the specified things.
Generator of waste	52(1)	Power to, for each load of the waste transported to a receiver, record the prescribed information for the load in the approved form.
Generator of waste	52(2)	Power to, before or when the load is given to a receiver, give the prescribed information for the load to the receiver.
Receiver of tested waste	53(2)	In the specified circumstances, power to, before or when the receiver is given the load, record the prescribed information for the load in the approved form.
Receiver of tested waste	53(3)	In the specified circumstances, power to within 24 hours after becoming aware of an omission or inaccuracy in the prescribed information, give written notice of the omission or inaccuracy to the administering authority.

### Part 9 – Waste tracking

#### Division 4 – Miscellaneous

Entity power given to	Section of ENPR	Description
Waste Handler	90(1)(b)	In the specified circumstances, power to enter into a written agreement with another person to do the thing for the waste handler.
Person	93(1)	In the specified circumstances, power to apply to the administering authority for a consignment number.
Person	94(1)	Power to apply to the administering authority for an exemption for the transportation of trackable waste for which this part applies.

Person	97	Power to apply to the administering executive for a generator identification number.
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## CHAPTER 6 – WASTE MANAGEMENT BY LOCAL GOVERNMENTS<sup>2</sup>

### Part 2 – Waste management in local government areas

#### Division 1 – Storage of general waste

Entity power given to	Section of ENPR	Description
Local Government	101(1)(b)	Power to require the owner or occupier of a relevant premises in a local government area to supply at the relevant premises, enough waste containers, other than standard general waste containers, to store the general waste produced at the relevant premises.
Local Government	101(2)	Power to determine the amount of standard general waste containers reasonably required at a premises, and to supply to the relevant premises that number of standard general waste containers.
Local Government	102(1)(a)	Power to require the occupier of a relevant premises to store general waste at the relevant premises in another type of waste container than a standard general waste container.
Local Government	101(3)	In the specified circumstance, power to recover the reasonable costs of supplying the container as a debt payable by the owner or occupier of the relevant premises to the local government.
Local Government	102(1)(a)	Power to require the occupier of a relevant premises to store general waste at the relevant premises in another type of waste container than a standard general waste container.
Local Government	103(1)(a)	In the specified circumstances, power to require that the occupier of serviced premises ensure that a waste container supplied for the premises is kept at a particular place at the premises.
Local Government	103(2)(a)	In the specified circumstances, power to arrange to collect waste from the container at a place.
Local Government	104(2)	In the specified circumstances, power to require the person to ensure each of the specified things is supplied at the premises.
Local Government	104(2)(a)(i)	Power to specify a level required by the local government for an elevated stand holding all waste containers.
Local Government	104(2)(a) (ii)	Power to require an imperviously paved area where all waste containers can be placed to be drained.

<sup>2</sup> Chapter 6 does not apply to a local government area while there is a local law in force about waste management for the area that has replaced Chapter 6 (repealed Chapter 5A).

### Division 2 – Removal of general waste

Entity power given to	Section of ENPR	Description
Local Government	105(2)	In the specified circumstances, power to give the occupier of the relevant premises a written notice stating the specified things.
Local Government	106(2)(a)	In the specified circumstances, power to give a written approval (a <b>relevant approval</b> ) to the owner or occupier of the relevant premises for depositing or disposing of the waste.
Local Government	106(2)(b)	In the specified circumstances, power to impose conditions on the approval.

### Division 3 – Storage and treatment of industrial waste

Entity power given to	Section of ENPR	Description
Local Government	107(1)	Power to require the occupier of relevant premises where there is industrial waste to do the specified things.
Local Government	107(2)	In the specified circumstances, the power to supply industrial waste containers at the premises.
Local Government	107(4)	Power to approve a type of waste container for storing industrial waste at premises within the local government's area.
Local Government	108	Power to determine the standard that industrial waste must be treated to for disposal of the waste at a waste facility.
Local Government	108	Power to require the occupier of relevant premises where there is industrial waste to treat the waste to a standard for disposal of the waste at a waste facility.

### Part 3 – Requirements and restrictions for waste facilities

Entity power given to	Section of ENPR	Description
Waste Facility Owner or Operator	112(1)	Power to consent to a person: (a) entering the facility other than to deposit waste; or (b) remaining on the facility after depositing waste; or (c) interfering with waste at, or removing the waste from, the facility.
Waste Facility Owner or Operator	113(2)(a)	In the specified circumstances, the power to display signs giving reasonable directions at the facility,
Waste Facility Owner or Operator	113(2)(b)	In the specified circumstances, the power to give reasonable instructions to a person who transports and delivers waste to the waste facility
Waste Facility Owner or Operator	113(2)(c)	In the specified circumstances, the power to request the person who transports and delivers waste to waste facility to give information to the owner or operator about the type and amount of waste being delivered.

**CHAPTER 9 – FEES**

**Part 3 – Annual Fees**

**Division 3 – Amendment application for environmental authorities**

Entity power given to	Section of ENPR	Description
Administering Authority	173(2)	Power to require, by written notice, the holder of a relevant authority to pay the authority the difference between the annual fee and the reduced annual fee.

## **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.

[2021 06 01 - ENPR - Delegation Instrument]

### **Conditions imposed on all Delegations**

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

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

## **DELEGABLE POWERS UNDER THE ENVIRONMENTAL PROTECTION REGULATION 2019 ("ENPR")**

### **CHAPTER 3 – ENVIRONMENTALLY RELEVANT ACTIVITIES**

**Part 1 – Environmentally relevant activities – general matters**

**Division 3 – Development application relating to concurrence ERAs**

<b>Entity power given to</b>	<b>Section of ENPR</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>
Assessment Manager or Referral Agency	21(4)	Power to consider the specified benchmarks under section 22(2).	30 June 2021			Subject to consultation with the Mayor where relevant

## CHAPTER 4 – REGULATORY REQUIREMENTS<sup>3</sup>

### Part 2 – Regulatory requirements for all environmental decision

Entity power given to	Section of ENPR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administerin g Authority	35(1)	<p>Power to when making an environmental management decision relating to an environmentally relevant activity, other than the prescribed ERA;</p> <p>(a) carry out an environmental objective assessment against the environmental objective and performance outcomes mentioned in schedule 8, part 3, division 1 and 2; and</p> <p>(b) consider the environmental values declared under this regulation; and</p> <p>(c) if the activity is to be carried out in a strategic environmental area – consider the impacts of the activity on the environmental attributes for the area under the <i>Regional Planning Interests Act 2014</i>; and</p> <p>(d) consider each of the following under any relevant environmental protection policies-</p> <p>(i) the management hierarchy;</p> <p>(ii) environmental values;</p> <p>(iii) quality objectives;</p>	30 June 2021			Subject to consultation with the Mayor where relevant

<sup>3</sup> The powers under Chapter 4 may only be exercised by a local government for a matter the enforcement and administration of which has been devolved to the local government under Chapter 8, Part 1, Division 1 and which has not been excluded by Chapter 8, Part 1, Division 2.

		<p>(iv) the management intent; and</p> <p>(e) if the bilateral agreement requires the matters of national environmental significance to be considered - consider those matters.</p>				
Administering Authority	35(3)	<p>In the specified circumstances, power to:</p> <p>(a) carry out an environmental objective assessment against the environmental objective and performance outcomes mentioned in schedule 8, part 3, division 1; and</p> <p>(b) consider the matters mentioned in subsection (1)(b), (c) and (d).</p>	30 June 2021			Subject to consultation with the Mayor where relevant
Administering Authority	35(4)	<p>In the specified circumstances, power to:</p> <p>(a) carry out an environmental objective assessment against the environmental objectives for water and groundwater mentioned in schedule 8, part 3, division 1, to the extent the performance outcomes for the environmental objectives relate to fine sediment, or dissolved inorganic nitrogen, entering the water of the Great Barrier Reef;</p> <p>(b) consider each environmental value, declared under this regulation, to the extent the value relates to fine sediment, or dissolved inorganic nitrogen, entering the water of the Great Barrier Reef; and</p> <p>(c) if the activity is to be carried out in a strategic environmental area – consider the impacts of the activity on each environmental attribute for the area under the <i>Regional Planning Interests act 2014</i>, to the extent the attribute</p>	30 June 2021			Subject to consultation with the Mayor where relevant

		<p>relates to fine sediment, or dissolved inorganic nitrogen, entering the water of the Great Barrier Reef; and</p> <p>(d) consider each of the following matters under a relevant environmental protection policy, to the extent the matter relates to fine sediment, or dissolved inorganic nitrogen, entering water of the Great Barrier Reef:</p> <ul style="list-style-type: none"> <li>(i) the management hierarchy;</li> <li>(ii) environmental values;</li> <li>(iii) quality objectives;</li> <li>(iv) the management intent.</li> </ul>				
Administerin g Authority	36(1)	Power to, when making an environmental management decision relating to an activity, consider whether to impose conditions about each of the specified matters.	30 June 2021			Subject to consultation with the Mayor where relevant
Administerin g Authority	37(1)	Power to, when making an environmental management decision relating to an activity, consider whether to impose monitoring conditions about the release of contaminants from the activity on the receiving environment.	30 June 2021			Subject to consultation with the Mayor where relevant
Administerin g Authority	37(2)	Power to, when considering whether to impose a monitoring condition, consider the specified matters.	30 June 2021			Subject to consultation with the Mayor where relevant

**Part 3 – Additional regulatory requirements for particular environmental management decisions**

<b>Entity power given to</b>	<b>Section of ENPR</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>
Administerin g Authority	40(2)	In the specified circumstances, power to refuse to grant an application if the authority considers that, because of the activity, the wetland may be destroyed or reduced in size or the biological integrity of the wetland may not be maintained.	30 June 2021			Subject to consultation with the Mayor where relevant
Administerin g Authority	41(2)	In the specified circumstances, power to refuse to grant an application if the authority considers one of the specified matters to be relevant.	30 June 2021			Subject to consultation with the Mayor where relevant
Administerin g Authority	41AA(3)	Power to consider: (a) the relevant activity will, or may, have a residual impact; and (b) having regard to the matters mentioned in the water quality offset policy, the residual impact will not be adequately counterbalanced by offset measures.	30 June 2021			Subject to consultation with the Mayor where relevant
Administerin g Authority	41AB	In the specified circumstances, power to refuse to grant an application if the authority considers that a transshipping activity is to be carried out within a particular area.	30 June 2021			Subject to consultation with the Mayor where relevant

**CHAPTER 5 – MATTERS RELATING TO ENVIRONMENTAL  
MANAGEMENT AND ENVIRONMENTAL OFFENCES**

**Part 1 – Categorisation of commercial waste and  
industrial waste**

**Division 3 – Notification, reporting and record  
keeping**

<b>Entity power given to</b>	<b>Section of ENPR</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>
Generator of waste	51(2)	In the specified circumstances, power to notify the administering authority of the change in waste types within 24 hours after receiving the test results for the retesting.	30 June 2021			Subject to consultation with the Mayor where relevant
Generator of waste	51(3)	In the specified circumstances, within 10 business days of receiving the test results for the retesting of the waste, power to give the administering authority a written report stating the specified things.	30 June 2021			Subject to consultation with the Mayor where relevant
Generator of waste	52(1)	Power to, for each load of the waste transported to a receiver, record the prescribed information for the load in the approved form.	30 June 2021			Subject to consultation with the Mayor where relevant
Generator of waste	52(2)	Power to, before or when the load is given to a receiver, give the prescribed information for the load to the receiver.	30 June 2021			Subject to consultation with the Mayor where relevant

Receiver of tested waste	53(2)	In the specified circumstances, power to, before or when the receiver is given the load, record the prescribed information for the load in the approved form.	30 June 2021			Subject to consultation with the Mayor where relevant
Receiver of tested waste	53(3)	In the specified circumstances, power to within 24 hours after becoming aware of an omission or inaccuracy in the prescribed information, give written notice of the omission or inaccuracy to the administering authority.	30 June 2021			Subject to consultation with the Mayor where relevant

**Part 9 – Waste tracking**

**Division 4 – Miscellaneous**

Entity power given to	Section of ENPR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Waste Handler	90(1)(b)	In the specified circumstances, power to enter into a written agreement with another person to do the thing for the waste handler.	30 June 2021			Subject to consultation with the Mayor where relevant
Person	93(1)	In the specified circumstances, power to apply to the administering authority for a consignment number.	30 June 2021			Subject to consultation with the Mayor where relevant
Person	94(1)	Power to apply to the administering authority for an exemption for the transportation of trackable waste for which this part applies.	30 June 2021			Subject to consultation with the Mayor where relevant

Person	97	Power to apply to the administering executive for a generator identification number.	30 June 2021			Subject to consultation with the Mayor where relevant
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## CHAPTER 6 – WASTE MANAGEMENT BY LOCAL GOVERNMENTS<sup>4</sup>

### Part 2 – Waste management in local government areas

#### Division 1 – Storage of general waste

Entity power given to	Section of ENPR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	101(1)(b)	Power to require the owner or occupier of a relevant premises in a local government area to supply at the relevant premises, enough waste containers, other than standard general waste containers, to store the general waste produced at the relevant premises.	30 June 2021			Subject to consultation with the Mayor where relevant
Local Government	101(2)	Power to determine the amount of standard general waste containers reasonably required at a premises, and to supply to the relevant premises that number of standard general waste containers.	30 June 2021			Subject to consultation with the Mayor where relevant

<sup>4</sup> Chapter 6 does not apply to a local government area while there is a local law in force about waste management for the area that has replaced Chapter 6 (repealed Chapter 5A).

Local Government	102(1)(a)	Power to require the occupier of a relevant premises to store general waste at the relevant premises in another type of waste container than a standard general waste container.	30 June 2021			Subject to consultation with the Mayor where relevant
Local Government	101(3)	In the specified circumstance, power to recover the reasonable costs of supplying the container as a debt payable by the owner or occupier of the relevant premises to the local government.	30 June 2021			Subject to consultation with the Mayor where relevant
Local Government	102(1)(a)	Power to require the occupier of a relevant premises to store general waste at the relevant premises in another type of waste container than a standard general waste container.	30 June 2021			Subject to consultation with the Mayor where relevant
Local Government	103(1)(a)	In the specified circumstances, power to require that the occupier of serviced premises ensure that a waste container supplied for the premises is kept at a particular place at the premises.	30 June 2021			Subject to consultation with the Mayor where relevant
Local Government	103(2)(a)	In the specified circumstances, power to arrange to collect waste from the container at a place.	30 June 2021			Subject to consultation with the Mayor where relevant
Local Government	104(2)	In the specified circumstances, power to require the person to ensure each of the specified things is supplied at the premises.	30 June 2021			Subject to consultation with the Mayor where relevant

Local Government	104(2)(a)(i)	Power to specify a level required by the local government for an elevated stand holding all waste containers.	30 June 2021			Subject to consultation with the Mayor where relevant
Local Government	104(2)(a)(ii)	Power to require an imperviously paved area where all waste containers can be placed to be drained.	30 June 2021			Subject to consultation with the Mayor where relevant

### Division 2 – Removal of general waste

Entity power given to	Section of ENPR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	105(2)	In the specified circumstances, power to give the occupier of the relevant premises a written notice stating the specified things.	30 June 2021			Subject to consultation with the Mayor where relevant
Local Government	106(2)(a)	In the specified circumstances, power to give a written approval (a <b>relevant approval</b> ) to the owner or occupier of the relevant premises for depositing or disposing of the waste.	30 June 2021			Subject to consultation with the Mayor where relevant
Local Government	106(2)(b)	In the specified circumstances, power to impose conditions on the approval.	30 June 2021			Subject to consultation with the Mayor where relevant

**Division 3 – Storage and treatment of industrial waste**

<b>Entity power given to</b>	<b>Section of ENPR</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	107(1)	Power to require the occupier of relevant premises where there is industrial waste to do the specified things.	30 June 2021			Subject to consultation with the Mayor where relevant
Local Government	107(2)	In the specified circumstances, the power to supply industrial waste containers at the premises.	30 June 2021			Subject to consultation with the Mayor where relevant
Local Government	107(4)	Power to approve a type of waste container for storing industrial waste at premises within the local government's area.	30 June 2021			Subject to consultation with the Mayor where relevant
Local Government	108	Power to determine the standard that industrial waste must be treated to for disposal of the waste at a waste facility.	30 June 2021			Subject to consultation with the Mayor where relevant
Local Government	108	Power to require the occupier of relevant premises where there is industrial waste to treat the waste to a standard for disposal of the waste at a waste facility.	30 June 2021			Subject to consultation with the Mayor where relevant

**Part 3 – Requirements and restrictions for waste facilities**

<b>Entity power given to</b>	<b>Section of ENPR</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>
Waste Facility Owner or Operator	112(1)	Power to consent to a person: (a) entering the facility other than to deposit waste; or (b) remaining on the facility after depositing waste; or (c) interfering with waste at, or removing the waste from, the facility.	30 June 2021			Subject to consultation with the Mayor where relevant
Waste Facility Owner or Operator	113(2)(a)	In the specified circumstances, the power to display signs giving reasonable directions at the facility,	30 June 2021			Subject to consultation with the Mayor where relevant
Waste Facility Owner or Operator	113(2)(b)	In the specified circumstances, the power to give reasonable instructions to a person who transports and delivers waste to the waste facility	30 June 2021			Subject to consultation with the Mayor where relevant
Waste Facility Owner or Operator	113(2)(c)	In the specified circumstances, the power to request the person who transports and delivers waste to waste facility to give information to the owner or operator about the type and amount of waste being delivered.	30 June 2021			Subject to consultation with the Mayor where relevant

## CHAPTER 9 – FEES

### Part 3 – Annual Fees

#### Division 3 – Amendment application for environmental authorities

Entity power given to	Section of ENPR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub- Delegation	Limitations and Conditions
Administerin g Authority	173(2)	Power to require, by written notice, the holder of a relevant authority to pay the authority the difference between the annual fee and the reduced annual fee.	N/A			

[2021 06 01 - ENPR - Delegation Table]

**Torres Strait Island Regional Council**  
***Environmental Protection Regulation 2019 ("ENPR")***

**David Baldwin**  
Acting Chief Executive Officer  
**Torres Strait Island Regional Council**

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

## POWERS SUB-DELEGATED

### *Environmental Protection Regulation 2019 ("ENPR")*

#### CHAPTER 3 – ENVIRONMENTALLY RELEVANT ACTIVITIES

##### Part 1 – Environmentally relevant activities – general matters

##### Division 3 – Development application relating to concurrence ERAs

Entity power given to	Section of ENPR	Description
Assessment Manager or Referral Agency	21(4)	Power to consider the specified benchmarks under section 22(2).

#### CHAPTER 4 – REGULATORY REQUIREMENTS<sup>5</sup>

##### Part 2 – Regulatory requirements for all environmental decision

Entity power given to	Section of ENPR	Description
Administering Authority	35(1)	<p>Power to when making an environmental management decision relating to an environmentally relevant activity, other than the prescribed ERA;</p> <ul style="list-style-type: none"> <li>(a) carry out an environmental objective assessment against the environmental objective and performance outcomes mentioned in schedule 8, part 3, division 1 and 2; and</li> <li>(b) consider the environmental values declared under this regulation; and</li> <li>(c) if the activity is to be carried out in a strategic environmental area – consider the impacts of the activity on the environmental attributes for the area under the <i>Regional Planning Interests Act 2014</i>; and</li> <li>(d) consider each of the following under any relevant environmental protection policies- <ul style="list-style-type: none"> <li>(i) the management hierarchy;</li> <li>(ii) environmental values;</li> <li>(iii) quality objectives;</li> <li>(iv) the management intent; and</li> </ul> </li> <li>(e) if the bilateral agreement requires the matters of national environmental significance to be consider- consider those matters.</li> </ul>
Administering Authority	35(3)	In the specified circumstances, power to:

<sup>5</sup> The powers under Chapter 4 may only be exercised by a local government for a matter the enforcement and administration of which has been devolved to the local government under Chapter 8, Part 1, Division 1 and which has not been excluded by Chapter 8, Part 1, Division 2.

		<p>(a) carry out an environmental objective assessment against the environmental objective and performance outcomes mentioned in schedule 8, part 3, division 1; and</p> <p>(b) consider the matters mentioned in subsection (1)(b), (c) and (d).</p>
Administering Authority	35(4)	<p>In the specified circumstances, power to:</p> <p>(a) carry out an environmental objective assessment against the environmental objectives for water and groundwater mentioned in schedule 8, part 3, division 1, to the extent the performance outcomes for the environmental objectives relate to fine sediment, or dissolved inorganic nitrogen, entering the water of the Great Barrier Reef;</p> <p>(b) consider each environmental value, declared under this regulation, to the extent the value relates to fine sediment, or dissolved inorganic nitrogen, entering the water of the Great Barrier Reef; and</p> <p>(c) if the activity is to be carried out in a strategic environmental area – consider the impacts of the activity on each environmental attribute for the area under the <i>Regional Planning Interests act 2014</i>, to the extent the attribute relates to fine sediment, or dissolved inorganic nitrogen, entering the water of the Great Barrier Reef; and</p> <p>(d) consider each of the following matters under a relevant environmental protection policy, to the extent the matter relates to fine sediment, or dissolved inorganic nitrogen, entering water of the Great Barrier Reef:</p> <ul style="list-style-type: none"> <li>(i) the management hierarchy;</li> <li>(ii) environmental values;</li> <li>(iii) quality objectives;</li> <li>(iv) the management intent.</li> </ul>
Administering Authority	36(1)	Power to, when making an environmental management decision relating to an activity, consider whether to impose conditions about each of the specified matters.
Administering Authority	37(1)	Power to, when making an environmental management decision relating to an activity, consider whether to impose monitoring conditions about the release of contaminants from the activity on the receiving environment.
Administering Authority	37(2)	Power to, when considering whether to impose a monitoring condition, consider the specified matters.

**Part 3 – Additional regulatory requirements for particular environmental management decisions**

Entity power given to	Section of ENPR	Description
Administering Authority	40(2)	In the specified circumstances, power to refuse to grant an application if the authority considers that, because of the activity, the wetland may be destroyed or reduced in size or the biological integrity of the wetland may not be maintained.

Administering Authority	41(2)	In the specified circumstances, power to refuse to grant an application if the authority considers one of the specified matters to be relevant.
Administering Authority	41AA(3)	Power to consider: (a) the relevant activity will, or may, have a residual impact; and (b) having regard to the matters mentioned in the water quality offset policy, the residual impact will not be adequately counterbalanced by offset measures.
Administering Authority	41AB	In the specified circumstances, power to refuse to grant an application if the authority considers that a transshipping activity is to be carried out within a particular area.

## CHAPTER 5 – MATTERS RELATING TO ENVIRONMENTAL MANAGEMENT AND ENVIRONMENTAL OFFENCES

### Part 1 – Categorisation of commercial waste and industrial waste

#### Division 3 – Notification, reporting and record keeping

Entity power given to	Section of ENPR	Description
Generator of waste	51(2)	In the specified circumstances, power to notify the administering authority of the change in waste types within 24 hours after receiving the test results for the retesting.
Generator of waste	51(3)	In the specified circumstances, within 10 business days of receiving the test results for the retesting of the waste, power to give the administering authority a written report stating the specified things.
Generator of waste	52(1)	Power to, for each load of the waste transported to a receiver, record the prescribed information for the load in the approved form.
Generator of waste	52(2)	Power to, before or when the load is given to a receiver, give the prescribed information for the load to the receiver.
Receiver of tested waste	53(2)	In the specified circumstances, power to, before or when the receiver is given the load, record the prescribed information for the load in the approved form.
Receiver of tested waste	53(3)	In the specified circumstances, power to within 24 hours after becoming aware of an omission or inaccuracy in the prescribed information, give written notice of the omission or inaccuracy to the administering authority.

### Part 9 – Waste tracking

#### Division 4 – Miscellaneous

Entity power given to	Section of ENPR	Description
Waste Handler	90(1)(b)	In the specified circumstances, power to enter into a written agreement with another person to do the thing for the waste handler.

Person	93(1)	In the specified circumstances, power to apply to the administering authority for a consignment number.
Person	94(1)	Power to apply to the administering authority for an exemption for the transportation of trackable waste for which this part applies.
Person	97	Power to apply to the administering executive for a generator identification number.

## CHAPTER 6 – WASTE MANAGEMENT BY LOCAL GOVERNMENTS<sup>6</sup>

### Part 2 – Waste management in local government areas

#### Division 1 – Storage of general waste

Entity power given to	Section of ENPR	Description
Local Government	101(1)(b)	Power to require the owner or occupier of a relevant premises in a local government area to supply at the relevant premises, enough waste containers, other than standard general waste containers, to store the general waste produced at the relevant premises.
Local Government	101(2)	Power to determine the amount of standard general waste containers reasonably required at a premises, and to supply to the relevant premises that number of standard general waste containers.
Local Government	102(1)(a)	Power to require the occupier of a relevant premises to store general waste at the relevant premises in another type of waste container than a standard general waste container.
Local Government	101(3)	In the specified circumstance, power to recover the reasonable costs of supplying the container as a debt payable by the owner or occupier of the relevant premises to the local government.
Local Government	102(1)(a)	Power to require the occupier of a relevant premises to store general waste at the relevant premises in another type of waste container than a standard general waste container.
Local Government	103(1)(a)	In the specified circumstances, power to require that the occupier of serviced premises ensure that a waste container supplied for the premises is kept at a particular place at the premises.
Local Government	103(2)(a)	In the specified circumstances, power to arrange to collect waste from the container at a place.
Local Government	104(2)	In the specified circumstances, power to require the person to ensure each of the specified things is supplied at the premises.
Local Government	104(2)(a)(i)	Power to specify a level required by the local government for an elevated stand holding all waste containers.

<sup>6</sup> Chapter 6 does not apply to a local government area while there is a local law in force about waste management for the area that has replaced Chapter 6 (repealed Chapter 5A).

Local Government	104(2)(a) (ii)	Power to require an imperviously paved area where all waste containers can be placed to be drained.
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### Division 2 – Removal of general waste

Entity power given to	Section of ENPR	Description
Local Government	105(2)	In the specified circumstances, power to give the occupier of the relevant premises a written notice stating the specified things.
Local Government	106(2)(a)	In the specified circumstances, power to give a written approval (a <b>relevant approval</b> ) to the owner or occupier of the relevant premises for depositing or disposing of the waste.
Local Government	106(2)(b)	In the specified circumstances, power to impose conditions on the approval.

### Division 3 – Storage and treatment of industrial waste

Entity power given to	Section of ENPR	Description
Local Government	107(1)	Power to require the occupier of relevant premises where there is industrial waste to do the specified things.
Local Government	107(2)	In the specified circumstances, the power to supply industrial waste containers at the premises.
Local Government	107(4)	Power to approve a type of waste container for storing industrial waste at premises within the local government's area.
Local Government	108	Power to determine the standard that industrial waste must be treated to for disposal of the waste at a waste facility.
Local Government	108	Power to require the occupier of relevant premises where there is industrial waste to treat the waste to a standard for disposal of the waste at a waste facility.

### Part 3 – Requirements and restrictions for waste facilities

Entity power given to	Section of ENPR	Description
Waste Facility Owner or Operator	112(1)	Power to consent to a person: (a) entering the facility other than to deposit waste; or (b) remaining on the facility after depositing waste; or (c) interfering with waste at, or removing the waste from, the facility.
Waste Facility Owner or Operator	113(2)(a)	In the specified circumstances, the power to display signs giving reasonable directions at the facility,
Waste Facility Owner or Operator	113(2)(b)	In the specified circumstances, the power to give reasonable instructions to a person who transports and delivers waste to the waste facility
Waste Facility Owner or Operator	113(2)(c)	In the specified circumstances, the power to request the person who transports and delivers waste to waste facility to give

		information to the owner or operator about the type and amount of waste being delivered.
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## CHAPTER 9 – FEES

### Part 3 – Annual Fees

#### Division 3 – Amendment application for environmental authorities

Entity power given to	Section of ENPR	Description
Administering Authority	173(2)	Power to require, by written notice, the holder of a relevant authority to pay the authority the difference between the annual fee and the reduced annual fee.

## **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.

[2021 06 01 - ENPR - Sub-Delegation Instrument]

### **Conditions imposed on all Delegations**

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

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

# **INSTRUMENT OF DELEGATION**

## **Torres Strait Island Regional Council** ***Environmental Protection (Water) Policy 2009 ("EPWP")***

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

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

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

***Environmental Protection (Water) Policy 2009 ("EPWP")*****Part 6 – Healthy waters management plans**

<b>Entity power given to</b>	<b>Section of EPWP</b>	<b>Description</b>
Recognised Entity (Local Government)	24(2)	Power to cooperate with the Chief Executive in developing and implementing a healthy waters management plan.

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

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

[2016 12 06 - EPWP - Delegation Instrument]

### **Conditions imposed on all Delegations**

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

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

## DELEGABLE POWERS UNDER THE ENVIRONMENTAL PROTECTION (WATER) POLICY 2009 ("EPWP")

### Part 6 – Healthy waters management plans

Entity power given to	Section of EPWP	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Recognised Entity (Local Government )	24(2)	Power to cooperate with the Chief Executive in developing and implementing a healthy waters management plan.	23 February 2021			

[2016 12 06 - EPWP - Delegation Table]

## INSTRUMENT OF SUB-DELEGATION

**Torres Strait Island Regional Council**  
*Environmental Protection (Water) Policy 2009 ("EPWP")*

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*****Environmental Protection (Water) Policy 2009 ("EPWP")*****Part 6 – Healthy waters management plans**

<b>Entity power given to</b>	<b>Section of EPWP</b>	<b>Description</b>
Recognised Entity (Local Government)	24(2)	Power to cooperate with the Chief Executive in developing and implementing a healthy waters management plan.

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

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

[2016 12 06 - EPWP - Sub-Delegation Instrument]

### **Conditions imposed on all Delegations**

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

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

# **INSTRUMENT OF DELEGATION**

## **Torres Strait Island Regional Council** ***Fire and Emergency Services Act 1990 ("FESA")***

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

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

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

***Fire and Emergency Services Act 1990 ("FESA")*****CHAPTER 3 – QUEENSLAND FIRE AND EMERGENCY SERVICES****Part 9B – Review of notices**

Entity power given to	Section of FESA	Description
Local Government	104SG(2)	Power to nominate persons as assessors.
Local Government	104SI(2)(b)(ii)	Power to nominate persons as assessors to assist QCAT in proceedings mentioned in s104SG(1).

**Part 10 – Funding****Division 1 – Interpretation**

Entity power given to	Section of FESA	Description
Local Government	105(1) 'Prescribed property' paragraph (b)	In the specified circumstances, power to determine that a portion of a parcel of land separately held by an owner should be classed as a separate parcel for the purposes of Part 10 of the <i>Fire and Rescue Service 1990</i> .

**Division 2 – Matters relating to funding contributions**

Entity power given to	Section of FESA	Description
Local Government	112(2)	In the specified circumstances, power to give the owner of each prescribed property within its area a levy notice.
Local Government	113(6)	In certain circumstances, the power to amend the levy notice, to revoke the levy notice and give a new levy notice.
Local Government	117(3)	The power to decide the way in which Council keeps the administration fee.
Local Government	121(2)	Power to refuse an application to pay an outstanding amount in instalments or grant an application to pay an outstanding amount in instalments subject to any conditions thought fit.
Local Government	126(1)	Power to, by notice in writing, require an owner of prescribed property to pay an amount not exceeding an amount representing the prescribed per centum of the amount of arrears, by way of collection fee.

**CHAPTER 4 – STATE EMERGENCY SERVICE, EMERGENCY SERVICE UNITS AND AUTHORISED RESCUE OFFICERS****Part 1 – State emergency service****Division 3 – Membership and SES units**

Entity power given to	Section of FESA	Description
Local Government	134(2)	Power to nominate a local controller of an SES unit.

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**Division 5 – Agreements**

Entity power given to	Section of FESA	Description
Local Government	140	Power to enter an agreement with the Commissioner that sets out responsibilities of each party in relation to the SES in the local government's area.

**Part 2 – Emergency service units****Division 3 – Membership**

Entity power given to	Section of FESA	Description
Local Government	146(2)	Power to nominate an ES unit co-ordinator of the ES unit.

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

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

[2018 11 09 - FESA - Delegation Instrument]

### **Conditions imposed on all Delegations**

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

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

# DELEGABLE POWERS UNDER THE FIRE AND EMERGENCY SERVICES ACT 1990 ("FESA")

## CHAPTER 3 – QUEENSLAND FIRE AND EMERGENCY SERVICES

### Part 9B – Review of notices

Entity power given to	Section of FESA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	104SG(2)	Power to nominate persons as assessors.	23 February 2021			
Local Government	104SI(2)(b)(ii)	Power to nominate persons as assessors to assist QCAT in proceedings mentioned in s104SG(1).	23 February 2021	Not Recommended		

### Part 10 – Funding

#### Division 1 – Interpretation

Entity power given to	Section of FESA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	105(1) 'Prescribed property' paragraph (b)	In the specified circumstances, power to determine that a portion of a parcel of land separately held by an owner should be classed as a separate parcel for the purposes of Part 10 of the <i>Fire and Rescue Service 1990</i> .	23 February 2021			

**Division 2 – Matters relating to funding contributions**

<b>Entity power given to</b>	<b>Section of FESA</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	112(2)	In the specified circumstances, power to give the owner of each prescribed property within its area a levy notice.	23 February 2021			
Local Government	113(6)	In certain circumstances, the power to amend the levy notice, to revoke the levy notice and give a new levy notice.	23 February 2021			
Local Government	117(3)	The power to decide the way in which Council keeps the administration fee.	23 February 2021			
Local Government	121(2)	Power to refuse an application to pay an outstanding amount in instalments or grant an application to pay an outstanding amount in instalments subject to any conditions thought fit.	23 February 2021			
Local Government	126(1)	Power to, by notice in writing, require an owner of prescribed property to pay an amount not exceeding an amount representing the prescribed per centum of the amount of arrears, by way of collection fee.	23 February 2021			

**CHAPTER 4 – STATE EMERGENCY SERVICE, EMERGENCY SERVICE UNITS AND AUTHORISED RESCUE OFFICERS**

**Part 1 – State emergency service**

**Division 3 – Membership and SES units**

Entity power given to	Section of FESA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	134(2)	Power to nominate a local controller of an SES unit.	23 February 2021			

**Division 5 – Agreements**

Entity power given to	Section of FESA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	140	Power to enter an agreement with the Commissioner that sets out responsibilities of each party in relation to the SES in the local government's area.	23 February 2021			

**Part 2 – Emergency service units**

**Division 3 – Membership**

Entity power given to	Section of FESA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	146(2)	Power to nominate an ES unit co-ordinator of the ES unit.	23 February 2021			

[2018 11 09 - FESA - Delegation Table]

## INSTRUMENT OF SUB-DELEGATION

**Torres Strait Island Regional Council**  
***Fire and Emergency Services Act 1990 ("FESA")***

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

### *Fire and Emergency Services Act 1990 ("FESA")*

#### CHAPTER 3 – QUEENSLAND FIRE AND EMERGENCY SERVICES

##### Part 9B – Review of notices

Entity power given to	Section of FESA	Description
Local Government	104SG(2)	Power to nominate persons as assessors.
Local Government	104SI(2)(b)(ii)	Power to nominate persons as assessors to assist QCAT in proceedings mentioned in s104SG(1).

##### Part 10 – Funding

###### Division 1 – Interpretation

Entity power given to	Section of FESA	Description
Local Government	105(1) 'Prescribed property' paragraph (b)	In the specified circumstances, power to determine that a portion of a parcel of land separately held by an owner should be classed as a separate parcel for the purposes of Part 10 of the <i>Fire and Rescue Service 1990</i> .

###### Division 2 – Matters relating to funding contributions

Entity power given to	Section of FESA	Description
Local Government	112(2)	In the specified circumstances, power to give the owner of each prescribed property within its area a levy notice.
Local Government	113(6)	In certain circumstances, the power to amend the levy notice, to revoke the levy notice and give a new levy notice.
Local Government	117(3)	The power to decide the way in which Council keeps the administration fee.
Local Government	121(2)	Power to refuse an application to pay an outstanding amount in instalments or grant an application to pay an outstanding amount in instalments subject to any conditions thought fit.
Local Government	126(1)	Power to, by notice in writing, require an owner of prescribed property to pay an amount not exceeding an amount representing the prescribed per centum of the amount of arrears, by way of collection fee.

## **CHAPTER 4 – STATE EMERGENCY SERVICE, EMERGENCY SERVICE UNITS AND AUTHORISED RESCUE OFFICERS**

### **Part 1 – State emergency service**

#### **Division 3 – Membership and SES units**

<b>Entity power given to</b>	<b>Section of FESA</b>	<b>Description</b>
Local Government	134(2)	Power to nominate a local controller of an SES unit.

#### **Division 5 – Agreements**

<b>Entity power given to</b>	<b>Section of FESA</b>	<b>Description</b>
Local Government	140	Power to enter an agreement with the Commissioner that sets out responsibilities of each party in relation to the SES in the local government's area.

### **Part 2 – Emergency service units**

#### **Division 3 – Membership**

<b>Entity power given to</b>	<b>Section of FESA</b>	<b>Description</b>
Local Government	146(2)	Power to nominate an ES unit co-ordinator of the ES unit.

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

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

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

### **Conditions imposed on all Delegations**

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

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

# **INSTRUMENT OF DELEGATION**

## **Torres Strait Island Regional Council** ***Food Act 2006 ("FOOA")***

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

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

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

**Food Act 2006 ("FOOA")****CHAPTER 3 – LICENCES FOR PARTICULAR BUSINESSES****Part 3 – Applications for, and issue of, licences****Division 1 – Applications for licence**

<b>Entity power given to</b>	<b>Section of FOOA</b>	<b>Description</b>
Local Government	55	Power to consider the application and decide to grant, or refuse to grant, the application.
Local Government	56(1)	Power to be satisfied that the specified criteria are fulfilled.
Local Government	56(2)	In the specified circumstances, the power to obtain and consider the written advice of an auditor about whether or not the auditor considers the food safety program complies with section 98 and the implementation of the program is reasonably likely to effectively control the food safety hazards of the business.
Local Government	57	In deciding whether the applicant is a suitable person, the power to have regard to the specified matters.
Local Government	58(a)	In deciding whether premises are suitable for carrying on a licensable food business, the power to have regard to whether the premises comply with the food standards code, standard 3.2.3.
Local Government	58(b)	In deciding whether premises are suitable for carrying on a licensable food business, the power to obtain and consider the written advice of an authorised person about whether or not the authorised person considers the premises are suitable for carrying on the business.
Local Government	59(1)(a)	In the specified circumstances, the power to make inquiries to decide the suitability of: (i) the applicant to hold a licence; and (ii) the premises for carrying on a licensable food business.
Local Government	59(1)(b)	In the specified circumstances, the power to give notice to the applicant requiring the applicant to provide the local government within the reasonable period of at least 30 days with further information or a document the local government reasonably requires to decide the application.

**Division 2 – Decisions on applications for licence**

<b>Entity power given to</b>	<b>Section of FOOA</b>	<b>Description</b>
Local Government	60(2)	The power to give an applicant an information notice for the decision.
Local Government	62(1)	Power to consider more time is needed to make a decision about an application because of the complexity of matters that need to be considered in deciding the application.
Local Government	62(2)	In the specified circumstances, the power to give notice to the applicant that due to the complexity of the matters that need to be considered in deciding the application, the local government

		needs more time to decide the application and the period within which the local government must decide the application is extended to a day that is 30 days after the final consideration day.
Local Government	62(3)	In the specified circumstances, the power to agree with the applicant on the day by which the application must be decided.

### **Division 3 – Provisional licences**

<b>Entity power given to</b>	<b>Section of FOOA</b>	<b>Description</b>
Local Government	64	In the specified circumstances, the power to issue a provisional licence to the applicant.

### **Part 4 – Term and Condition of Licences**

<b>Entity power given to</b>	<b>Section of FOOA</b>	<b>Description</b>
Local Government	67	Power to decide a term of a licence other than a provisional licence of not more than 3 years.
Local Government	68(1)	Power to decide a term of provisional licence of not more than 3 months.
Local Government	68(2)	Power to issue a notice to extend the term of a provisional licence.
Local Government	69(1)(e)	In the specified circumstances, the power to impose other reasonable conditions to a licence considered appropriate for the food business under the licence and that are stated in the licence or of which the licensee is notified under subsection (3).
Local Government	69(2)(b)	Power to consider it necessary to impose a condition on a licence to ensure food for sale is safe and suitable for human consumption.
Local Government	69(3)	In the specified circumstances, the power to give an information notice for the decision to impose conditions on a licence.

### **Part 5 – Renewal, restoration or amendment of licences**

#### **Division 2 – Renewal, restoration and amendment**

##### ***Subdivision 1 – Applications***

<b>Entity power given to</b>	<b>Section of FOOA</b>	<b>Description</b>
Local Government	71	Power to give the licensee notice of the imminent expiry of a licence.
Local Government	72(3)	Power to consider the application and decide to renew, or refuse to renew, the licence.
Local Government	72(4)	In deciding an application, the power to have regard to the specified matters.
Local Government	72(5)	In the specified circumstances, the power to give an information notice to the licensee if the local government decides to refuse to renew the licence or impose conditions on the licence.
Local Government	73(3)	Power to consider the application and decide to restore, or refuse to restore, the licence.

Local Government	73(4)	In the specified circumstances, the power to have regard to the specified matters.
Local Government	73(5)	In the specified circumstances, the power to give a person an information notice for the decision if the local government decides to refuse to restore the licence, or impose conditions on the licence.
Local Government	74(3)	Power to consider the application and decide to amend, or refuse to amend, the licence.
Local Government	74(4)	In the specified circumstances, the power to amend a licence by changing the location of the premises from which the licensee proposes to carry on a licensable food business.
Local Government	74(5)	In the specified circumstances, the power to be satisfied on reasonable grounds that the premises are suitable for carrying on a licensable food business.
Local Government	74(6)	In the specified circumstances, the power to give a licensee a licence and an information notice for a decision if the local government decides to refuse to amend the licence.
Local Government	74(7)	In the specified circumstances, the power to give the licensee an information notice for the decision if the local government decides to impose conditions on the licence.

***Subdivision 2 – Enquiries about applications and continuation of licences***

Entity power given to	Section of FOOA	Description
Local Government	75(1)	In the specified circumstances, the power to require the applicant to give the local government further information or a document the local government reasonably requires to decide the application, within the reasonable period of at least 30 days stated in the notice.

**Part 6 – Suspension or cancellation of licences**

Entity power given to	Section of FOOA	Description
Local Government	78(2)	In the specified circumstances, the power to have regard to the specified matters regarding the suitability of a person to hold a licence.
Local Government	79(1)(a)	In the specified circumstances, the power to form a belief that a ground exists to suspend or cancel a licence.
Local Government	79(2)	In the specified circumstances, the power to give the licensee a show cause notice.
Local Government	80(2)	In the specified circumstances, the power to consider all representations.
Local Government	81	In the specified circumstances, the power to form a belief that a ground no longer exists to suspend or cancel a licence.
Local Government	82(1)(b)	In the specified circumstances, the power to form a belief that a ground exists to suspend or cancel a licence and power to believe a suspension or cancellation of the licence is warranted.
Local Government	82(2)(a)	In the specified circumstances, the power to suspend the licence for not longer than the proposed suspension period.

Local Government	82(2)(b)	In the specified circumstances, the power to cancel the licence or suspend it for a period.
Local Government	82(3)	In the specified circumstances, the power to give an information notice to the licensee for the decision if the local government decides to take action under s82(2).
Local Government	83(1)	In the specified circumstances, the power to suspend a licence immediately.
Local Government	83(2)(a)	Power to give an information notice to the licensee together with a show cause notice about the decision to suspend a licence.
Local Government	83(4)	Power to give the licensee a licence.

## **Part 7 –**

### **Other provisions about licences and licensees**

#### **Division 3 – Carrying on licensable food business from mobile premises**

<b>Entity power given to</b>	<b>Section of FOOA</b>	<b>Description</b>
Second Local Government	91(1)(b)	In the specified circumstances, the power to consider that a licensee has done or omitted to do something, if done or omitted to be done in the first local government's area, would be a contravention of the conditions of the licence.
Second Local Government	91(2)	In the specified circumstances, the power to advise the first local government of the thing done or omitted to be done.
Local Government	92(2)	In the specified circumstances, the power to take action in relation to the thing done or omitted to be done by the licensee.

#### **Division 4 – General provisions**

<b>Entity power given to</b>	<b>Section of FOOA</b>	<b>Description</b>
Local Government	97(1)	Power to consider the application and decide to grant, or refuse to grant, the application.
Local Government	97(2)	Power to be satisfied the licence has been destroyed, lost or stolen, or damaged in a way to require its replacement.
Local Government	97(3)	Power to issue another licence to the applicant to replace the damage, destroyed, lost or stolen licence.
Local Government	97(5)	In the specified circumstances, the power to give an information notice to the applicant for the decision if the local government decides to refuse to grant the application.

## **CHAPTER 4 – FOOD SAFETY PROGRAMS**

### **Part 2 –**

#### **Applications for accreditation of food safety programs**

<b>Entity power given to</b>	<b>Section of FOOA</b>	<b>Description</b>
Local Government	103(1)	Power to consider the application and decide to accredit, or refuse to accredit, the food safety program.
Local Government	103(2)	Power to obtain and consider the written advice of an auditor about whether or not the auditor considers the food safety program complies with the criteria in section 104.

Local Government	104	Power to be satisfied that the food safety program meets the specified criteria.
Local Government	105(1)	In the specified circumstances, the power to give notice to the applicant requiring the applicant to give further information or a document to a local government reasonably required to decide the application, within the reasonable period of at least 30 days.
Local Government	106(2)	Power to give an applicant an information notice for a decision if the local government decides to refuse to accredit a food safety program.
Local Government	107(4)	Power to give an information notice to the applicant if the application is refused under section 107.
Local Government	108(1)	In the specified circumstances, the power to consider more time is needed to make a decision because of the complexity of the matters that need to be considered in deciding the application.
Local Government	108(2)	In the specified circumstances, the power to give notice to the applicant more time is needed to make a decision because of the complexity of the matters that need to be considered in deciding the application and the period within which the local government must decide the application is extended to a day that is 30 days after the final consideration day.
Local Government	108(3)	In the specified circumstances, the power to agree with the applicant on a day by which the application must be decided.

**Part 3 – Matters about compliance audits for accredited food safety programs**

Entity power given to	Section of FOOA	Description
Local Government	109(2)(a)	In the specified circumstances, the power to decide how often the holder of the program must have compliance audits of the program conducted under the Act.
Local Government	109(2)(b)	The power to give the holder of a food safety program an information notice for the decision.
Local Government	109(2)(a)	In the specified circumstances, the power to decide how often the holder of the program must have compliance audits of the program conducted under this Act.
Local Government	109(3)	In deciding the frequency of audits for subsection (2)(a), the power to have regard to the stated matters.
Local Government	110(1)	In the specified circumstances, the power to change the frequency of compliance audits for a food safety program if considered necessary to make the change in the interest of public health or safety.
Local Government	110(2)	In the specified circumstances, the power to have regard to the results of a compliance or non-conformance audit of the program.
Local Government	110(3)	In the specified circumstances, the power to give an information notice for the decision to the holder of a food safety program if the local government decides to change the frequency of compliance audits for the food safety program.
Local Government	110(4)	In the specified circumstances, the power to give the holder of a food safety program a notice of change if the local government decides to change the frequency of compliance audits for the food safety program.

**Part 4 –****Amendment of accredited food safety programs****Division 1 – Amendment by holder of accredited food safety program**

Entity power given to	Section of FOOA	Description
Local Government	112(4)	Power to consider the application and decide to approve, or refuse to approve, the amendment.
Local Government	112(5)	Power to be satisfied that the stated criteria are fulfilled.
Local Government	112(6)	Power to give an information notice to an applicant for a decision if the local government decides to refuse to approve an amendment.
Local Government	113(1)	In the specified circumstances, the power to require the applicant to give the local government further information or a document reasonably required to decide the application, within the reasonable period of at least 30 days.

**Division 2 – Amendment of accredited food safety program – Local government's initiative**

Entity power given to	Section of FOOA	Description
Local Government	114(1)	In the specified circumstances, the power to direct the holder of a food safety program to amend the program if considered necessary or desirable to make the amendment, having regard to the matters about which it must be satisfied under section 104.
Local Government	114(2)	Power to give a notice to the holder of a food safety program for a direction under section 114(1).
Local Government	114(3)(c)	Power to give an information notice with a notice of direction made under section 114(2).
Local Government	115(2)	Power to be satisfied that the amendment complies with the direction under section 114 and take that specified action.

**Part 5 –****Cancellation of Accreditation, and Surrender, of Particular Food Safety Programs**

Entity power given to	Section of FOOA	Description
Local Government	118(1)	In the specified circumstances, the power to form a belief that a ground exists to cancel the accreditation of a food safety program and to give the holder of the program a show cause notice.
Local Government	119(2)	In the specified circumstances, the power to consider all representations.
Local Government	120	In the specified circumstances, the power to form a belief that a ground no longer exists to cancel the accreditation.
Local Government	121(1)(b)	In the specified circumstances, the power to form a belief that: <ul style="list-style-type: none"> <li>(i) a ground still exists to cancel the accreditation; and</li> <li>(ii) cancellation of the accreditation is warranted.</li> </ul>
Local Government	121(2)	Power to cancel the accreditation.
Local Government	121(3)	In the specified circumstances, the power to give the holder of a food safety program an information notice for the decision if the local government decides to take action under section 121(2).

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## CHAPTER 7 – MONITORING AND ENFORCEMENT

### Part 1 – Authorised persons

#### Division 1 – Preliminary

Entity power given to	Section of FOOA	Description
Chief Executive Officer	168(2)	Power to appoint an employee of the local government as an authorised person.
Chief Executive Officer	168(3)	Power to appoint an employee of the local government as an authorised person.

### Part 2 – Powers of authorised persons

#### Division 7 – Power to obtain information

Entity power given to	Section of FOOA	Description
Chief Executive Officer	193(6)	In the specified circumstances, the power to consider appropriate how a thing forfeited to the local government may be dealt with.

### Part 5 – Injunctions

Entity power given to	Section of FOOA	Description
Chief Executive Officer	222(b)	Power to form a belief on reasonable grounds that an injunction under the part is necessary to prevent or reduce the possibility of a serious danger to public health or to mitigate the adverse consequences of a serious danger to public health.
Chief Executive Officer	223	Power to apply to the District Court for an injunction in relation to the conduct.

## CHAPTER 9 – REVIEWS

### Part 1 – Internal review of decisions

Entity power given to	Section of FOOA	Description
Reviewer	238(2)	Power to extend the time for applying for the review.
Reviewer	239(1)	In the specified circumstances, the power to make a further decision after reviewing the original decision.
Reviewer	239(2)	Power to give an applicant a notice of the review decision.
Reviewer	239(1)	In the specified circumstances, the power to make a further decision after reviewing the original decision.

## CHAPTER 10 – LEGAL PROCEEDINGS

### Part 3 – Proceedings

Entity power given to	Section of FOOA	Description
Local Government	255(1)(b)	Power to apply to the Court for an order against a person for the payment of the costs, that the state or local government has incurred in taking a thing or doing something during the investigation of an offence.
Chief Executive Officer	258(1)	In the specified circumstances, the power to consider appropriate the way in which the local government may deal with a thing that becomes local government's property.
Chief Executive Officer	258(2)	Power to destroy or dispose of a thing.

## CHAPTER 11 – MISCELLANEOUS

### Part 4 – Other Matters

Entity power given to	Section of FOOA	Description
Chief Executive Officer	277(2)	Power to approve forms for the use by the local government under this Act.

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

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

[2016 03 24 - FOOA - Delegation Instrument]

### **Conditions imposed on all Delegations**

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

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

## DELEGABLE POWERS UNDER THE FOOD ACT 2006 ("FOOA")

### CHAPTER 3 – LICENCES FOR PARTICULAR BUSINESSES

#### Part 3 – Applications for, and issue of, licences

##### Division 1 – Applications for licence

Entity power given to	Section of FOOA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	55	Power to consider the application and decide to grant, or refuse to grant, the application.	23 February 2021	Executive Director Community and Building Services	14 December 2021	Subject to consultation with Divisional Councillor.
Local Government	56(1)	Power to be satisfied that the specified criteria are fulfilled.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	56(2)	In the specified circumstances, the power to obtain and consider the written advice of an auditor about whether or not the auditor considers the food safety program complies with section 98 and the implementation of the program is reasonably likely to effectively control the food safety hazards of the business.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	57	In deciding whether the applicant is a suitable person, the power to have regard to the specified matters.	23 February 2021	Executive Director Community and Building Services	14 December 2021	

Local Government	58(a)	In deciding whether premises are suitable for carrying on a licensable food business, the power to have regard to whether the premises comply with the food standards code, standard 3.2.3.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	58(b)	In deciding whether premises are suitable for carrying on a licensable food business, the power to obtain and consider the written advice of an authorised person about whether or not the authorised person considers the premises are suitable for carrying on the business.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	59(1)(a)	In the specified circumstances, the power to make inquiries to decide the suitability of: (i) the applicant to hold a licence; and (ii) the premises for carrying on a licensable food business.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	59(1)(b)	In the specified circumstances, the power to give notice to the applicant requiring the applicant to provide the local government within the reasonable period of at least 30 days with further information or a document the local government reasonably requires to decide the application.	23 February 2021	Executive Director Community and Building Services	14 December 2021	

### Division 2 – Decisions on applications for licence

Entity power given to	Section of FOOA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	60(2)	The power to give an applicant an information notice for the decision.	23 February 2021	Executive Director Community and Building Services	14 December 2021	This notice must be given as soon as practicable.
Local Government	62(1)	Power to consider more time is needed to make a decision about an application because of the complexity of matters that need to be considered in deciding the application.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	62(2)	In the specified circumstances, the power to give notice to the applicant that due to the complexity of the matters that need to be considered in deciding the application, the local government needs more time to decide the application and the period within which the local government must decide the application is extended to a day that is 30 days after the final consideration day.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	62(3)	In the specified circumstances, the power to agree with the applicant on the day by which the application must be decided.	23 February 2021	Executive Director Community and Building Services	14 December 2021	

### Division 3 – Provisional licences

Entity power given to	Section of FOOA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	64	In the specified circumstances, the power to issue a provisional licence to the applicant.	23 February 2021	Executive Director Community and Building Services	14 December 2021	

### Part 4 – Term and Condition of Licences

Entity power given to	Section of FOOA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	67	Power to decide a term of a licence other than a provisional licence of not more than 3 years.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	68(1)	Power to decide a term of provisional licence of not more than 3 months.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	68(2)	Power to issue a notice to extend the term of a provisional licence.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	69(1)(e)	In the specified circumstances, the power to impose other reasonable conditions to a licence considered appropriate for the food business under the licence and that are stated in the	23 February 2021	Executive Director Community and Building Services	14 December 2021	

		licence or of which the licensee is notified under subsection (3).				
Local Government	69(2)(b)	Power to consider it necessary to impose a condition on a licence to ensure food for sale is safe and suitable for human consumption.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	69(3)	In the specified circumstances, the power to give an information notice for the decision to impose conditions on a licence.	23 February 2021	Executive Director Community and Building Services	14 December 2021	This power does not apply to a provisional licence and the notice must be given as soon as practicable after the decision is made.

**Part 5 – Renewal, restoration or amendment of licences**  
**Division 2 – Renewal, restoration and amendment**  
**Subdivision 1 – Applications**

Entity power given to	Section of FOOA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	71	Power to give the licensee notice of the imminent expiry of a licence.	23 February 2021	Executive Director Community and Building Services	14 December 2021	This notice must be given at least 60 days before the expiry of the licence.
Local Government	72(3)	Power to consider the application and decide to renew, or refuse to renew, the licence.	23 February 2021	Executive Director Community and Building Services	14 December 2021	Subject to consultation with Divisional Councillor.

Local Government	72(4)	In deciding an application, the power to have regard to the specified matters.	23 February 2021	Executive Director Community and Building Services	14 December 2021	Subject to consultation with Divisional Councillor.
Local Government	72(5)	In the specified circumstances, the power to give an information notice to the licensee if the local government decides to refuse to renew the licence or impose conditions on the licence.	23 February 2021	Executive Director Community and Building Services	14 December 2021	This notice must be given as soon as reasonably practicable.
Local Government	73(3)	Power to consider the application and decide to restore, or refuse to restore, the licence.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	73(4)	In the specified circumstances, the power to have regard to the specified matters.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	73(5)	In the specified circumstances, the power to give a person an information notice for the decision if the local government decides to refuse to restore the licence, or impose conditions on the licence.	23 February 2021	Executive Director Community and Building Services	14 December 2021	This notice must be given as soon as reasonably practicable.
Local Government	74(3)	Power to consider the application and decide to amend, or refuse to amend, the licence.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	74(4)	In the specified circumstances, the power to amend a licence by changing the location of the premises from which the licensee proposes to carry on a licensable food business.	23 February 2021	Executive Director Community and Building Services	14 December 2021	

Local Government	74(5)	In the specified circumstances, the power to be satisfied on reasonable grounds that the premises are suitable for carrying on a licensable food business.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	74(6)	In the specified circumstances, the power to give a licensee a licence and an information notice for a decision if the local government decides to refuse to amend the licence.	23 February 2021	Executive Director Community and Building Services	14 December 2021	This licence and information notice must be given as soon as reasonably practicable.
Local Government	74(7)	In the specified circumstances, the power to give the licensee an information notice for the decision if the local government decides to impose conditions on the licence.	23 February 2021	Executive Director Community and Building Services	14 December 2021	This licence and information notice must be given as soon as reasonably practicable.

***Subdivision 2 – Enquiries about applications and continuation of licences***

Entity power given to	Section of FOOA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	75(1)	In the specified circumstances, the power to require the applicant to give the local government further information or a document the local government reasonably requires to decide the application, within the reasonable period of at least 30 days stated in the notice.	23 February 2021	Executive Director Community and Building Services	14 December 2021	

**Part 6 – Suspension or cancellation of licences**

<b>Entity power given to</b>	<b>Section of FOOA</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	78(2)	In the specified circumstances, the power to have regard to the specified matters regarding the suitability of a person to hold a licence.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	79(1)(a)	In the specified circumstances, the power to form a belief that a ground exists to suspend or cancel a licence.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	79(2)	In the specified circumstances, the power to give the licensee a show cause notice.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	80(2)	In the specified circumstances, the power to consider all representations.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	81	In the specified circumstances, the power to form a belief that a ground no longer exists to suspend or cancel a licence.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	82(1)(b)	In the specified circumstances, the power to form a belief that a ground exists to suspend or cancel a licence and power to believe a suspension or cancellation of the licence is warranted.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	82(2)(a)	In the specified circumstances, the power to suspend the licence for not	23 February 2021	Executive Director	14 December 2021	

		longer than the proposed suspension period.		Community and Building Services		
Local Government	82(2)(b)	In the specified circumstances, the power to cancel the licence or suspend it for a period.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	82(3)	In the specified circumstances, the power to give an information notice to the licensee for the decision if the local government decides to take action under s82(2).	23 February 2021	Executive Director Community and Building Services	14 December 2021	This notice must be given as soon as reasonably practicable.
Local Government	83(1)	In the specified circumstances, the power to suspend a licence immediately.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	83(2)(a)	Power to give an information notice to the licensee together with a show cause notice about the decision to suspend a licence.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	83(4)	Power to give the licensee a licence.	23 February 2021	Executive Director Community and Building Services	14 December 2021	This licence must be given as soon as reasonably practicable.

**Part 7 – Other provisions about licences and licensees**

**Division 3 – Carrying on licensable food business from mobile premises**

Entity power given to	Section of FOOA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Second Local Government	91(1)(b)	In the specified circumstances, the power to consider that a licensee has done or omitted to do something, if done or omitted to be done in the first local government's area, would be a contravention of the conditions of the licence.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Second Local Government	91(2)	In the specified circumstances, the power to advise the first local government of the thing done or omitted to be done.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	92(2)	In the specified circumstances, the power to take action in relation to the thing done or omitted to be done by the licensee.	23 February 2021	Executive Director Community and Building Services	14 December 2021	

**Division 4 – General provisions**

Entity power given to	Section of FOOA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	97(1)	Power to consider the application and decide to grant, or refuse to grant, the application.	23 February 2021	Executive Director Community and Building Services	14 December 2021	

Local Government	97(2)	Power to be satisfied the licence has been destroyed, lost or stolen, or damaged in a way to require its replacement.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	97(3)	Power to issue another licence to the applicant to replace the damage, destroyed, lost or stolen licence.	23 February 2021	Executive Director Community and Building Services	14 December 2021	This licence must be given as soon as reasonably practicable.
Local Government	97(5)	In the specified circumstances, the power to give an information notice to the applicant for the decision if the local government decides to refuse to grant the application.	23 February 2021	Executive Director Community and Building Services	14 December 2021	

## CHAPTER 4 – FOOD SAFETY PROGRAMS

### Part 2 – Applications for accreditation of food safety programs

Entity power given to	Section of FOOA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	103(1)	Power to consider the application and decide to accredit, or refuse to accredit, the food safety program.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	103(2)	Power to obtain and consider the written advice of an auditor about whether or not the auditor considers the food safety program complies with the criteria in section 104.	23 February 2021	Executive Director Community and Building Services	14 December 2021	

Local Government	104	Power to be satisfied that the food safety program meets the specified criteria.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	105(1)	In the specified circumstances, the power to give notice to the applicant requiring the applicant to give further information or a document to a local government reasonably required to decide the application, within the reasonable period of at least 30 days.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	106(2)	Power to give an applicant an information notice for a decision if the local government decides to refuse to accredit a food safety program.	23 February 2021	Executive Director Community and Building Services	14 December 2021	This notice must be given as soon as reasonably practicable.
Local Government	107(4)	Power to give an information notice to the applicant if the application is refused under section 107.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	108(1)	In the specified circumstances, the power to consider more time is needed to make a decision because of the complexity of the matters that need to be considered in deciding the application.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	108(2)	In the specified circumstances, the power to give notice to the applicant more time is needed to make a decision because of the complexity of the matters that need to be considered in deciding the application and the period within which the local government must decide the application is extended to a day that	23 February 2021	Executive Director Community and Building Services	14 December 2021	

		is 30 days after the final consideration day.				
Local Government	108(3)	In the specified circumstances, the power to agree with the applicant on a day by which the application must be decided.	23 February 2021	Executive Director Community and Building Services	14 December 2021	

**Part 3 – Matters about compliance audits for accredited food safety programs**

Entity power given to	Section of FOOA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	109(2)(a)	In the specified circumstances, the power to decide how often the holder of the program must have compliance audits of the program conducted under the Act.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	109(2)(b)	The power to give the holder of a food safety program an information notice for the decision.	23 February 2021	Executive Director Community and Building Services	14 December 2021	This notice must be given as soon as reasonably practicable.
Local Government	109(2)(a)	In the specified circumstances, the power to decide how often the holder of the program must have compliance audits of the program conducted under this Act.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	109(3)	In deciding the frequency of audits for subsection (2)(a), the power to have regard to the stated matters.	23 February 2021	Executive Director Community and Building Services	14 December 2021	

Local Government	110(1)	In the specified circumstances, the power to change the frequency of compliance audits for a food safety program if considered necessary to make the change in the interest of public health or safety.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	110(2)	In the specified circumstances, the power to have regard to the results of a compliance or non-conformance audit of the program.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	110(3)	In the specified circumstances, the power to give an information notice for the decision to the holder of a food safety program if the local government decides to change the frequency of compliance audits for the food safety program.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	110(4)	In the specified circumstances, the power to give the holder of a food safety program a notice of change if the local government decides to change the frequency of compliance audits for the food safety program.	23 February 2021	Executive Director Community and Building Services	14 December 2021	

**Part 4 – Amendment of accredited food safety programs**

**Division 1 – Amendment by holder of accredited food safety program**

<b>Entity power given to</b>	<b>Section of FOOA</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	112(4)	Power to consider the application and decide to approve, or refuse to approve, the amendment.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	112(5)	Power to be satisfied that the stated criteria are fulfilled.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	112(6)	Power to give an information notice to an applicant for a decision if the local government decides to refuse to approve an amendment.	23 February 2021	Executive Director Community and Building Services	14 December 2021	This notice must be given as soon as reasonably practicable.
Local Government	113(1)	In the specified circumstances, the power to require the applicant to give the local government further information or a document reasonably required to decide the application, within the reasonable period of at least 30 days.	23 February 2021	Executive Director Community and Building Services	14 December 2021	

**Division 2 – Amendment of accredited food safety program – Local government's initiative**

<b>Entity power given to</b>	<b>Section of FOOA</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	114(1)	In the specified circumstances, the power to direct the holder of a food safety program to amend the program if considered necessary or desirable to make the amendment, having regard to the matters about which it must be satisfied under section 104.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	114(2)	Power to give a notice to the holder of a food safety program for a direction under section 114(1).	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	114(3)(c)	Power to give an information notice with a notice of direction made under section 114(2).	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	115(2)	Power to be satisfied that the amendment complies with the direction under section 114 and take that specified action.	23 February 2021	Executive Director Community and Building Services	14 December 2021	

**Part 5 – Cancellation of Accreditation, and Surrender, of Particular Food Safety Programs**

<b>Entity power given to</b>	<b>Section of FOOA</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	118(1)	In the specified circumstances, the power to form a belief that a ground exists to cancel the accreditation of a food safety program and to give the holder of the program a show cause notice.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	119(2)	In the specified circumstances, the power to consider all representations.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	120	In the specified circumstances, the power to form a belief that a ground no longer exists to cancel the accreditation.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	121(1)(b)	In the specified circumstances, the power to form a belief that: (i) a ground still exists to cancel the accreditation; and (ii) cancellation of the accreditation is warranted.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	121(2)	Power to cancel the accreditation.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Local Government	121(3)	In the specified circumstances, the power to give the holder of a food safety program an information notice for the	23 February 2021	Executive Director	14 December 2021	This notice must be given as soon

		decision if the local government decides to take action under section 121(2).		Community and Building Services		as reasonably practicable
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## CHAPTER 7 – MONITORING AND ENFORCEMENT

### Part 1 – Authorised persons

#### Division 1 – Preliminary

Entity power given to	Section of FOOA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Chief Executive Officer	168(2)	Power to appoint an employee of the local government as an authorised person.	Delegation not required.	Power to be delegated on a case by case basis		
Chief Executive Officer	168(3)	Power to appoint an employee of the local government as an authorised person.	Delegation not required.	Power to be delegated on a case by case basis		

### Part 2 – Powers of authorised persons

#### Division 7 – Power to obtain information

Entity power given to	Section of FOOA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Chief Executive Officer	193(6)	In the specified circumstances, the power to consider appropriate how a thing forfeited to the local government may be dealt with.	Delegation not required.	Power to be delegated on a case by case basis		

**Part 5 – Injunctions**

Entity power given to	Section of FOOA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Chief Executive Officer	222(b)	Power to form a belief on reasonable grounds that an injunction under the part is necessary to prevent or reduce the possibility of a serious danger to public health or to mitigate the adverse consequences of a serious danger to public health.	Delegation not required.	Power to be delegated on a case by case basis		
Chief Executive Officer	223	Power to apply to the District Court for an injunction in relation to the conduct.	Delegation not required.	Power to be delegated on a case by case basis		

**CHAPTER 9 – REVIEWS**

**Part 1 – Internal review of decisions**

Entity power given to	Section of FOOA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Reviewer	238(2)	Power to extend the time for applying for the review.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Reviewer	239(1)	In the specified circumstances, the power to make a further decision after reviewing the original decision.	23 February 2021	Executive Director Community and Building Services	14 December 2021	

Reviewer	239(2)	Power to give an applicant a notice of the review decision.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Reviewer	239(1)	In the specified circumstances, the power to make a further decision after reviewing the original decision.	23 February 2021	Executive Director Community and Building Services	14 December 2021	

## CHAPTER 10 – LEGAL PROCEEDINGS

### Part 3 – Proceedings

Entity power given to	Section of FOOA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	255(1)(b)	Power to apply to the Court for an order against a person for the payment of the costs, that the state or local government has incurred in taking a thing or doing something during the investigation of an offence.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Chief Executive Officer	258(1)	In the specified circumstances, the power to consider appropriate the way in which the local government may deal with a thing that becomes local government's property.	Delegation not required.	Power to be delegated on a case by case basis		
Chief Executive Officer	258(2)	Power to destroy or dispose of a thing.	Delegation not required.	Power to be delegated on a case by case basis		

## CHAPTER 11 – MISCELLANEOUS

### Part 4 – Other Matters

Entity power given to	Section of FOOA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Chief Executive Officer	277(2)	Power to approve forms for the use by the local government under this Act.	Delegation not required.	N/A		

[2016 03 24 - FOOA - Delegation Table]

## INSTRUMENT OF SUB-DELEGATION

**Torres Strait Island Regional Council**  
***Food Act 2006 ("FOOA")***

Under section 259 of the *Local Government Act 2009*, I, **David Baldwin**, Acting 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 **23 February 2021** to delegate those powers to the Chief Executive Officer.

**DATED** this                      day of                      2021.

**David Baldwin**  
Acting Chief Executive Officer  
**Torres Strait Island Regional Council**

**Position:** Executive Director of Community and Building Services

## POWERS SUB-DELEGATED

### *Food Act 2006 ("FOOA")*

#### CHAPTER 3 – LICENCES FOR PARTICULAR BUSINESSES

##### Part 3 – Applications for, and issue of, licences

##### Division 1 – Applications for licence

Entity power given to	Section of FOOA	Description
Local Government	55	Power to consider the application and decide to grant, or refuse to grant, the application.
Local Government	56(1)	Power to be satisfied that the specified criteria are fulfilled.
Local Government	56(2)	In the specified circumstances, the power to obtain and consider the written advice of an auditor about whether or not the auditor considers the food safety program complies with section 98 and the implementation of the program is reasonably likely to effectively control the food safety hazards of the business.
Local Government	57	In deciding whether the applicant is a suitable person, the power to have regard to the specified matters.
Local Government	58(a)	In deciding whether premises are suitable for carrying on a licensable food business, the power to have regard to whether the premises comply with the food standards code, standard 3.2.3.
Local Government	58(b)	In deciding whether premises are suitable for carrying on a licensable food business, the power to obtain and consider the written advice of an authorised person about whether or not the authorised person considers the premises are suitable for carrying on the business.
Local Government	59(1)(a)	In the specified circumstances, the power to make inquiries to decide the suitability of: (i) the applicant to hold a licence; and (ii) the premises for carrying on a licensable food business.
Local Government	59(1)(b)	In the specified circumstances, the power to give notice to the applicant requiring the applicant to provide the local government within the reasonable period of at least 30 days with further information or a document the local government reasonably requires to decide the application.

##### Division 2 – Decisions on applications for licence

Entity power given to	Section of FOOA	Description
Local Government	60(2)	The power to give an applicant an information notice for the decision.
Local Government	62(1)	Power to consider more time is needed to make a decision about an application because of the complexity of matters that need to be considered in deciding the application.

Local Government	62(2)	In the specified circumstances, the power to give notice to the applicant that due to the complexity of the matters that need to be considered in deciding the application, the local government needs more time to decide the application and the period within which the local government must decide the application is extended to a day that is 30 days after the final consideration day.
Local Government	62(3)	In the specified circumstances, the power to agree with the applicant on the day by which the application must be decided.

### **Division 3 – Provisional licences**

<b>Entity power given to</b>	<b>Section of FOOA</b>	<b>Description</b>
Local Government	64	In the specified circumstances, the power to issue a provisional licence to the applicant.

### **Part 4 – Term and Condition of Licences**

<b>Entity power given to</b>	<b>Section of FOOA</b>	<b>Description</b>
Local Government	67	Power to decide a term of a licence other than a provisional licence of not more than 3 years.
Local Government	68(1)	Power to decide a term of provisional licence of not more than 3 months.
Local Government	68(2)	Power to issue a notice to extend the term of a provisional licence.
Local Government	69(1)(e)	In the specified circumstances, the power to impose other reasonable conditions to a licence considered appropriate for the food business under the licence and that are stated in the licence or of which the licensee is notified under subsection (3).
Local Government	69(2)(b)	Power to consider it necessary to impose a condition on a licence to ensure food for sale is safe and suitable for human consumption.
Local Government	69(3)	In the specified circumstances, the power to give an information notice for the decision to impose conditions on a licence.

### **Part 5 – Renewal, restoration or amendment of licences**

#### **Division 2 – Renewal, restoration and amendment**

##### ***Subdivision 1 – Applications***

<b>Entity power given to</b>	<b>Section of FOOA</b>	<b>Description</b>
Local Government	71	Power to give the licensee notice of the imminent expiry of a licence.
Local Government	72(3)	Power to consider the application and decide to renew, or refuse to renew, the licence.
Local Government	72(4)	In deciding an application, the power to have regard to the specified matters.
Local Government	72(5)	In the specified circumstances, the power to give an information notice to the licensee if the local government decides to refuse to renew the licence or impose conditions on the licence.

Local Government	73(3)	Power to consider the application and decide to restore, or refuse to restore, the licence.
Local Government	73(4)	In the specified circumstances, the power to have regard to the specified matters.
Local Government	73(5)	In the specified circumstances, the power to give a person an information notice for the decision if the local government decides to refuse to restore the licence, or impose conditions on the licence.
Local Government	74(3)	Power to consider the application and decide to amend, or refuse to amend, the licence.
Local Government	74(4)	In the specified circumstances, the power to amend a licence by changing the location of the premises from which the licensee proposes to carry on a licensable food business.
Local Government	74(5)	In the specified circumstances, the power to be satisfied on reasonable grounds that the premises are suitable for carrying on a licensable food business.
Local Government	74(6)	In the specified circumstances, the power to give a licensee a licence and an information notice for a decision if the local government decides to refuse to amend the licence.
Local Government	74(7)	In the specified circumstances, the power to give the licensee an information notice for the decision if the local government decides to impose conditions on the licence.

***Subdivision 2 – Enquiries about applications and continuation of licences***

Entity power given to	Section of FOOA	Description
Local Government	75(1)	In the specified circumstances, the power to require the applicant to give the local government further information or a document the local government reasonably requires to decide the application, within the reasonable period of at least 30 days stated in the notice.

**Part 6 – Suspension or cancellation of licences**

Entity power given to	Section of FOOA	Description
Local Government	78(2)	In the specified circumstances, the power to have regard to the specified matters regarding the suitability of a person to hold a licence.
Local Government	79(1)(a)	In the specified circumstances, the power to form a belief that a ground exists to suspend or cancel a licence.
Local Government	79(2)	In the specified circumstances, the power to give the licensee a show cause notice.
Local Government	80(2)	In the specified circumstances, the power to consider all representations.
Local Government	81	In the specified circumstances, the power to form a belief that a ground no longer exists to suspend or cancel a licence.
Local Government	82(1)(b)	In the specified circumstances, the power to form a belief that a ground exists to suspend or cancel a licence and power to believe a suspension or cancellation of the licence is warranted.

Local Government	82(2)(a)	In the specified circumstances, the power to suspend the licence for not longer than the proposed suspension period.
Local Government	82(2)(b)	In the specified circumstances, the power to cancel the licence or suspend it for a period.
Local Government	82(3)	In the specified circumstances, the power to give an information notice to the licensee for the decision if the local government decides to take action under s82(2).
Local Government	83(1)	In the specified circumstances, the power to suspend a licence immediately.
Local Government	83(2)(a)	Power to give an information notice to the licensee together with a show cause notice about the decision to suspend a licence.
Local Government	83(4)	Power to give the licensee a licence.

## **Part 7 –**

## **Other provisions about licences and licensees**

### **Division 3 – Carrying on licensable food business from mobile premises**

<b>Entity power given to</b>	<b>Section of FOOA</b>	<b>Description</b>
Second Local Government	91(1)(b)	In the specified circumstances, the power to consider that a licensee has done or omitted to do something, if done or omitted to be done in the first local government's area, would be a contravention of the conditions of the licence.
Second Local Government	91(2)	In the specified circumstances, the power to advise the first local government of the thing done or omitted to be done.
Local Government	92(2)	In the specified circumstances, the power to take action in relation to the thing done or omitted to be done by the licensee.

### **Division 4 – General provisions**

<b>Entity power given to</b>	<b>Section of FOOA</b>	<b>Description</b>
Local Government	97(1)	Power to consider the application and decide to grant, or refuse to grant, the application.
Local Government	97(2)	Power to be satisfied the licence has been destroyed, lost or stolen, or damaged in a way to require its replacement.
Local Government	97(3)	Power to issue another licence to the applicant to replace the damage, destroyed, lost or stolen licence.
Local Government	97(5)	In the specified circumstances, the power to give an information notice to the applicant for the decision if the local government decides to refuse to grant the application.

## **CHAPTER 4 – FOOD SAFETY PROGRAMS**

## **Part 2 –**

## **Applications for accreditation of food safety programs**

<b>Entity power given to</b>	<b>Section of FOOA</b>	<b>Description</b>
Local Government	103(1)	Power to consider the application and decide to accredit, or refuse to accredit, the food safety program.

Local Government	103(2)	Power to obtain and consider the written advice of an auditor about whether or not the auditor considers the food safety program complies with the criteria in section 104.
Local Government	104	Power to be satisfied that the food safety program meets the specified criteria.
Local Government	105(1)	In the specified circumstances, the power to give notice to the applicant requiring the applicant to give further information or a document to a local government reasonably required to decide the application, within the reasonable period of at least 30 days.
Local Government	106(2)	Power to give an applicant an information notice for a decision if the local government decides to refuse to accredit a food safety program.
Local Government	107(4)	Power to give an information notice to the applicant if the application is refused under section 107.
Local Government	108(1)	In the specified circumstances, the power to consider more time is needed to make a decision because of the complexity of the matters that need to be considered in deciding the application.
Local Government	108(2)	In the specified circumstances, the power to give notice to the applicant more time is needed to make a decision because of the complexity of the matters that need to be considered in deciding the application and the period within which the local government must decide the application is extended to a day that is 30 days after the final consideration day.
Local Government	108(3)	In the specified circumstances, the power to agree with the applicant on a day by which the application must be decided.

**Part 3 – Matters about compliance audits for accredited food safety programs**

Entity power given to	Section of FOOA	Description
Local Government	109(2)(a)	In the specified circumstances, the power to decide how often the holder of the program must have compliance audits of the program conducted under the Act.
Local Government	109(2)(b)	The power to give the holder of a food safety program an information notice for the decision.
Local Government	109(2)(a)	In the specified circumstances, the power to decide how often the holder of the program must have compliance audits of the program conducted under this Act.
Local Government	109(3)	In deciding the frequency of audits for subsection (2)(a), the power to have regard to the stated matters.
Local Government	110(1)	In the specified circumstances, the power to change the frequency of compliance audits for a food safety program if considered necessary to make the change in the interest of public health or safety.
Local Government	110(2)	In the specified circumstances, the power to have regard to the results of a compliance or non-conformance audit of the program.
Local Government	110(3)	In the specified circumstances, the power to give an information notice for the decision to the holder of a food safety program if the local government decides to change the frequency of compliance audits for the food safety program.
Local Government	110(4)	In the specified circumstances, the power to give the holder of a food safety program a notice of change if the local government

		decides to change the frequency of compliance audits for the food safety program.
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## **Part 4 – Amendment of accredited food safety programs**

### **Division 1 – Amendment by holder of accredited food safety program**

<b>Entity power given to</b>	<b>Section of FOOA</b>	<b>Description</b>
Local Government	112(4)	Power to consider the application and decide to approve, or refuse to approve, the amendment.
Local Government	112(5)	Power to be satisfied that the stated criteria are fulfilled.
Local Government	112(6)	Power to give an information notice to an applicant for a decision if the local government decides to refuse to approve an amendment.
Local Government	113(1)	In the specified circumstances, the power to require the applicant to give the local government further information or a document reasonably required to decide the application, within the reasonable period of at least 30 days.

### **Division 2 – Amendment of accredited food safety program – Local government's initiative**

<b>Entity power given to</b>	<b>Section of FOOA</b>	<b>Description</b>
Local Government	114(1)	In the specified circumstances, the power to direct the holder of a food safety program to amend the program if considered necessary or desirable to make the amendment, having regard to the matters about which it must be satisfied under section 104.
Local Government	114(2)	Power to give a notice to the holder of a food safety program for a direction under section 114(1).
Local Government	114(3)(c)	Power to give an information notice with a notice of direction made under section 114(2).
Local Government	115(2)	Power to be satisfied that the amendment complies with the direction under section 114 and take that specified action.

## **Part 5 – Cancellation of Accreditation, and Surrender, of Particular Food Safety Programs**

<b>Entity power given to</b>	<b>Section of FOOA</b>	<b>Description</b>
Local Government	118(1)	In the specified circumstances, the power to form a belief that a ground exists to cancel the accreditation of a food safety program and to give the holder of the program a show cause notice.
Local Government	119(2)	In the specified circumstances, the power to consider all representations.
Local Government	120	In the specified circumstances, the power to form a belief that a ground no longer exists to cancel the accreditation.
Local Government	121(1)(b)	In the specified circumstances, the power to form a belief that: <ul style="list-style-type: none"> <li>(i) a ground still exists to cancel the accreditation; and</li> <li>(ii) cancellation of the accreditation is warranted.</li> </ul>
Local Government	121(2)	Power to cancel the accreditation.

Local Government	121(3)	In the specified circumstances, the power to give the holder of a food safety program an information notice for the decision if the local government decides to take action under section 121(2).
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## CHAPTER 9 – REVIEWS

### Part 1 – Internal review of decisions

Entity power given to	Section of FOOA	Description
Reviewer	238(2)	Power to extend the time for applying for the review.
Reviewer	239(1)	In the specified circumstances, the power to make a further decision after reviewing the original decision.
Reviewer	239(2)	Power to give an applicant a notice of the review decision.
Reviewer	239(1)	In the specified circumstances, the power to make a further decision after reviewing the original decision.

## CHAPTER 10 – LEGAL PROCEEDINGS

### Part 3 – Proceedings

Entity power given to	Section of FOOA	Description
Local Government	255(1)(b)	Power to apply to the Court for an order against a person for the payment of the costs, that the state or local government has incurred in taking a thing or doing something during the investigation of an offence.

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

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

[2016 03 24 - FOOA - Sub-Delegation Instrument]

### **Conditions imposed on all Delegations**

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

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

# INSTRUMENT OF SUB-DELEGATION

## **Torres Strait Island Regional Council** ***Food Act 2006 ("FOOA")***

Under section 259 of the *Local Government Act 2009*, I, **David Baldwin**, Acting 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 **23 February 2021** to delegate those powers to the Chief Executive Officer.

DATED this 14 day of 12 2021.

  
\_\_\_\_\_  
**David Baldwin**  
Acting Chief Executive Officer  
**Torres Strait Island Regional Council**

# **INSTRUMENT OF DELEGATION**

## **Torres Strait Island Regional Council** ***Housing Act 2003 ("HOUA")***

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

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

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

***Housing Act 2003 ("HOUA")*****Part 4 – Funding****Division 2 – Providing funding**

<b>Entity power given to</b>	<b>Section of HOUA</b>	<b>Description</b>
Funded Provider/ Registered Provider	25(1)	Power to enter into an agreement with the chief executive for funding.
Funded Provider/ Registered Provider	26(2)(b)	Power to provide a written response to the chief executive.

**Part 4A – Community housing providers****Division 3 – Registration**

<b>Entity power given to</b>	<b>Section of HOUA</b>	<b>Description</b>
Local Government/ Applicant	37B(1)(c)	Power to apply to the registrar for registration on the state register.
State Provider	37G(1)(a)	Power to apply to the registrar for the cancellation of the provider's registration.
Registered Provider	37H(6)(a) (ii)	Power to agree in writing with the registrar the relevant day.
Provider	37H(6)(b) (ii)	Power to agree with the registrar in writing the relevant day.

**Division 4 – Enforcement powers of registrar**

<b>Entity power given to</b>	<b>Section of HOUA</b>	<b>Description</b>
Provider	38C(4)(b)	Power to request an extension of time in a notice of intent from the Registrar.

**Division 5 – Miscellaneous**

<b>Entity power given to</b>	<b>Section of HOUA</b>	<b>Description</b>
Person	38H(b)(i)	Power to consent to the disclosure of information by the registrar as the person from whom the information was obtained.

**Part 6 – Review of decisions**

<b>Entity power given to</b>	<b>Section of HOUA</b>	<b>Description</b>
Entity entitled to be given a notice under section 64	65	Power to apply to the chief executive for a review of a decision.

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

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

[2017 11 10 - HOUA - Delegation Instrument]

### **Conditions imposed on all Delegations**

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

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

## DELEGABLE POWERS UNDER THE HOUSING ACT 2003 ("HOUA")

### Part 4 – Funding

#### Division 2 – Providing funding

Entity power given to	Section of HOUA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Funded Provider/ Registered Provider	25(1)	Power to enter into an agreement with the chief executive for funding.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Funded Provider/ Registered Provider	26(2)(b)	Power to provide a written response to the chief executive.	23 February 2021	Executive Director Community and Building Services	14 December 2021	

### Part 4A – Community housing providers

#### Division 3 – Registration

Entity power given to	Section of HOUA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government / Applicant	37B(1)(c)	Power to apply to the registrar for registration on the state register.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
State Provider	37G(1)(a)	Power to apply to the registrar for the cancellation of the provider's registration.	N/A			Not delegated

Registered Provider	37H(6)(a)(ii)	Power to agree in writing with the registrar the relevant day.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Provider	37H(6)(b)(ii)	Power to agree with the registrar in writing the relevant day.	23 February 2021	Executive Director Community and Building Services	14 December 2021	

#### Division 4 – Enforcement powers of registrar

Entity power given to	Section of HOUA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Provider	38C(4)(b)	Power to request an extension of time in a notice of intent from the Registrar.	23 February 2021	Executive Director Community and Building Services	14 December 2021	

#### Division 5 – Miscellaneous

Entity power given to	Section of HOUA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person	38H(b)(i)	Power to consent to the disclosure of information by the registrar as the person from whom the information was obtained.	23 February 2021	Executive Director Community and Building Services	14 December 2021	

**Part 6 – Review of decisions**

<b>Entity power given to</b>	<b>Section of HOUA</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>
Entity entitled to be given a notice under section 64	65	Power to apply to the chief executive for a review of a decision.	23 February 2021	Executive Director Community and Building Services	14 December 2021	

[2017 11 10 - HOUA - Delegation Table]

## INSTRUMENT OF SUB-DELEGATION

**Torres Strait Island Regional Council**  
***Housing Act 2003 ("HOUA")***

Under section 259 of the *Local Government Act 2009*, I, **David Baldwin**, Acting 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 **23 February 2021** to delegate those powers to the Chief Executive Officer.

**DATED** this                      day of                      2021.

**David Baldwin**  
Acting Chief Executive Officer  
**Torres Strait Island Regional Council**

**Position:** Executive Director of Community and Building Services

## POWERS SUB-DELEGATED

### *Housing Act 2003 ("HOUA")*

#### Part 4 – Funding

##### Division 2 – Providing funding

Entity power given to	Section of HOUA	Description
Funded Provider/ Registered Provider	25(1)	Power to enter into an agreement with the chief executive for funding.
Funded Provider/ Registered Provider	26(2)(b)	Power to provide a written response to the chief executive.

#### Part 4A – Community housing providers

##### Division 3 – Registration

Entity power given to	Section of HOUA	Description
Local Government/ Applicant	37B(1)(c)	Power to apply to the registrar for registration on the state register.
Registered Provider	37H(6)(a) (ii)	Power to agree in writing with the registrar the relevant day.
Provider	37H(6)(b) (ii)	Power to agree with the registrar in writing the relevant day.

##### Division 4 – Enforcement powers of registrar

Entity power given to	Section of HOUA	Description
Provider	38C(4)(b)	Power to request an extension of time in a notice of intent from the Registrar.

##### Division 5 – Miscellaneous

Entity power given to	Section of HOUA	Description
Person	38H(b)(i)	Power to consent to the disclosure of information by the registrar as the person from whom the information was obtained.

#### Part 6 – Review of decisions

Entity power given to	Section of HOUA	Description
Entity entitled to be given a notice under section 64	65	Power to apply to the chief executive for a review of a decision.



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

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

[2017 11 10 - HOUA - Sub-Delegation Instrument]

### **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 SUB-DELEGATION

## **Torres Strait Island Regional Council** *Housing Act 2003 ("HOUA")*

Under section 259 of the *Local Government Act 2009*, I, **David Baldwin**, Acting 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 **23 February 2021** to delegate those powers to the Chief Executive Officer.

DATED this 14 day of 12 2021.



**David Baldwin**  
Acting Chief Executive Officer  
**Torres Strait Island Regional Council**

# **INSTRUMENT OF DELEGATION**

## **Torres Strait Island Regional Council** ***Housing Regulation 2015 ("HOUR")***

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

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

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

***Housing Regulation 2015 ("HOUR")*****Part 2 – Housing services requirements****Division 3 – Governance and service delivery**

<b>Entity power given to</b>	<b>Section of HOUR</b>	<b>Description</b>
Funded Provider	15(1)	Power to accept an application, in the approved form, from a person for a social housing service.
Funded Provider	18(2)	Power to give the chief executive information, in the approved form, about each funded property for the service.
Funded Provider	19(3)	Power to comply with a request made under section 19(2) within the time stated in the notice.

**Part 5 – Miscellaneous**

<b>Entity power given to</b>	<b>Section of HOUR</b>	<b>Description</b>
Accommodation Provider	37(2)	Power to consult with the chief executive about the most appropriate method for transferring or otherwise disposing of a relevant asset.
Accommodation Provider	37(3)	Power to seek the Chief Executive's written consent to transfer or otherwise dispose of a relevant asset in a particular way.

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

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

[2018 07 01 - HOUR - Delegation Instrument]

### **Conditions imposed on all Delegations**

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

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

## DELEGABLE POWERS UNDER THE HOUSING REGULATION 2015 ("HOUR")

### Part 2 – Housing services requirements

#### Division 3 – Governance and service delivery

Entity power given to	Section of HOUR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Funded Provider	15(1)	Power to accept an application, in the approved form, from a person for a social housing service.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Funded Provider	18(2)	Power to give the chief executive information, in the approved form, about each funded property for the service.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
Funded Provider	19(3)	Power to comply with a request made under section 19(2) within the time stated in the notice.	23 February 2021	Executive Director Community and Building Services	14 December 2021	

### Part 5 – Miscellaneous

Entity power given to	Section of HOUR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Accommodation Provider	37(2)	Power to consult with the chief executive about the most appropriate method for transferring or otherwise disposing of a relevant asset.	23 February 2021	Executive Director Community and Building Services	14 December 2021	

Accommodati on Provider	37(3)	Power to seek the Chief Executive's written consent to transfer or otherwise dispose of a relevant asset in a particular way.	23 February 2021	Executive Director Community and Building Services	14 December 2021	
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[2018 07 01 - HOUR - Delegation Table]

## INSTRUMENT OF SUB-DELEGATION

# Torres Strait Island Regional Council

## *Housing Regulation 2015 ("HOUR")*

Under section 259 of the *Local Government Act 2009*, I, **David Baldwin**, Acting 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 **23 February 2021** to delegate those powers to the Chief Executive Officer.

**DATED** this                      day of                      2021.

**David Baldwin**  
Acting Chief Executive Officer  
**Torres Strait Island Regional Council**

**Position:** Executive Director of Community and Building Services

## POWERS SUB-DELEGATED

### *Housing Regulation 2015 ("HOUR")*

#### Part 2 – Housing services requirements

##### Division 3 – Governance and service delivery

Entity power given to	Section of HOUR	Description
Funded Provider	15(1)	Power to accept an application, in the approved form, from a person for a social housing service.
Funded Provider	18(2)	Power to give the chief executive information, in the approved form, about each funded property for the service.
Funded Provider	19(3)	Power to comply with a request made under section 19(2) within the time stated in the notice.

#### Part 5 – Miscellaneous

Entity power given to	Section of HOUR	Description
Accommodation Provider	37(2)	Power to consult with the chief executive about the most appropriate method for transferring or otherwise disposing of a relevant asset.
Accommodation Provider	37(3)	Power to seek the Chief Executive's written consent to transfer or otherwise dispose of a relevant asset in a particular way.

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

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

[2018 07 01 - HOUR - Sub-Delegation Instrument]

### **Conditions imposed on all Delegations**

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

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

# INSTRUMENT OF SUB-DELEGATION

## **Torres Strait Island Regional Council** ***Housing Regulation 2015 ("HOUR")***

Under section 259 of the *Local Government Act 2009*, I, **David Baldwin**, Acting 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 **23 February 2021** to delegate those powers to the Chief Executive Officer.

DATED this 14 day of 12 2021.

  
\_\_\_\_\_  
**David Baldwin**  
Acting Chief Executive Officer  
**Torres Strait Island Regional Council**

# **INSTRUMENT OF DELEGATION**

## **Torres Strait Island Regional Council** ***Information Privacy Act 2009 ("INPA")***

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

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

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

**Information Privacy Act 2009 ("INPA")****CHAPTER 2 – PRIVACY PRINCIPLES****Part 1 – Compliance with IPPs by agencies**

Entity power given to	Section of INPA	Description
Law Enforcement Agency	29(1)	Power to be satisfied on reasonable grounds that noncompliance with the IPP is necessary in certain circumstances.

**Part 3 – Transfer of personal information outside Australia**

Entity power given to	Section of INPA	Description
Agency	33(a)	Power to agree with an individual to transfer an individual's personal information to an entity outside Australia
Agency	33(c)	Power to be satisfied on reasonable grounds that the transfer is necessary to lessen or prevent a serious threat to the life, health, safety or welfare of an individual, or to public health, safety or welfare.
Agency	33(d)(i)	Power to form a reasonable belief that the recipient of the personal information is subject to a law, binding scheme or contract that effectively upholds principles for the fair handling of personal information that are substantially similar to the IPPs or, if the agency is a health agency, the NPPs.

**Part 4 – Compliance with parts 1 to 3 by contracted service providers**

Entity power given to	Section of INPA	Description
Agency	34(1)	Power to enter into a service arrangement with a service provider.

**CHAPTER 3 – DISCLOSURE AND AMENDMENT BY APPLICATION UNDER THIS ACT****Part 2 – Access and amendment applications**

Entity power given to	Section of INPA	Description
Agency	44(3)	Power to consider a person has an appropriate interest in the amendment of the personal information.
Agency	49(2)	Power to consider a search for a document from a backup system is appropriate.

**Part 3 –****Dealing with application****Division 1 – Decision-maker**

Entity power given to	Section of INPA	Description
Principal Officer (the Chief Executive Officer)	50(2) <sup>1</sup>	The CEO as the Agency's Principal Officer has the power to delegate the principal officer powers to deal with an application to another officer of the agency.
Agency	50(5)(b)	Power to appoint an appropriately qualified health care professional to make a health care decision in relation to the application.

**Division 2 – Preliminary contact with applicant**

Entity power given to	Section of INPA	Description
Entity	52(1)(b)	Power to decide that an application is outside the scope of this Act for 1 or more of the following reasons: (i) the document is not a document of an agency, or document of a Minister, for this chapter; (ii) the entity is not an agency for this chapter; (iii) the application is made to the information commissioner, RTI commissioner or privacy commissioner.
Entity	52(2)	Power to give prescribed written notice to the applicant of the decision.
Agency	53(2)	Power to inform a person how an application does not comply with a relevant application requirement.
Agency	53(3)	Power to give a reasonable opportunity to consult with a view to making application in a form complying with all relevant application requirements.
Agency	53(6)	Power to decide that an application does not comply with all relevant application requirements and to give the applicant prescribed written notice of the decision.
Agency	54(2)	Power to make reasonable efforts to inform the applicant of the matters set out in 54(2).
Agency	54(3)	Power to give the applicant a reasonable opportunity to consult as mentioned in 54(2)(c).
Agency	54(5)(b)	Power to consider whether an application is an application that can be made under this Act and power to give the applicant prescribed written notice of the decision.
Agency	55(1)	At any time before a deemed decision is taken to have been made in relation to an access or amendment application, power to ask the applicant for a further specified period to consider the application.
Agency	55(3)	Power to continue to consider the application and make a considered decision in relation to it in certain circumstances.

<sup>1</sup>

Section 50(1) of the Act provides that the only the CEO or his/her delegate can exercise this power.

### Division 3 – Contact with relevant third party

Entity power given to	Section of INPA	Description
Agency	56(1) <sup>2</sup>	Power to give access to a document of which may reasonably be expected to be of concern to a government, agency or person.
Agency	56(3)(b)	Power to decide: (i) that a document is a document for this chapter; or (ii) that the information is not exempt information or contrary to public interest information.
Agency	56(3)(c)	Power to give prescribed written notice of the decision in 56(3)(b) to the applicant and the relevant third party.
Agency	56(3)(d)	In the specified circumstances, power to defer giving access to a document.
Agency	56(4)	Power to give the applicant written notice when access is no longer deferred under 56(3)(d).

### Division 4 – Transfers

Entity power given to	Section of INPA	Description
Agency	57(2)	In the specified circumstances, power to transfer an access or amendment application to another agency.
Other Agency	57(2)(b)	Power to consent to a transfer.

### Part 4 – Refusal to deal with access or amendment application

Entity power given to	Section of INPA	Description
Agency	59(2)	Power to refuse to deal with an application without having identified any or all of the documents.
Agency	60(1)	Power to refuse to deal with an access or amendment application, or, if the agency or Minister is considering 2 or more access or amendment applications by the applicant, all the applications, if when using the power to consider the work involved in dealing with the application or all the applications would, if carried out: (a) substantially and unreasonably divert the resources of the agency from their use by the agency in the performance of its functions.
Agency	61(1)(a)	Power to give the applicant a written notice regarding its refusal to deal with an application under section 60.
Agency	61(1)(b)	Power to give the applicant a reasonable opportunity to consult with the agency.
Agency	61(1)(c)	Power to give the applicant any information that would help the making of an application in a form that would remove the ground for refusal.
Agency	61(6)(b)	Power to agree upon a longer prescribed consultation period.

<sup>2</sup> Must take steps that are reasonably practicable to obtain the views of the relevant third party about whether:  
(a) the document is a document for this chapter; or  
(b) the information is exempt information or contrary to public interest information.

Agency	62(3)	In the specified circumstances, power to refuse to deal with the later application to the extent it is for access to a document or documents sought under the first application.
Agency	63(3)	In the specified circumstances, power to refuse to deal with the later application to the extent it is for amendment of a document or documents sought under the first application.

## Part 5 –

## Decision

### Division 1 – Access applications

Entity power given to	Section of INPA	Description
Agency	65(a)	In the specified circumstances, power to make a decision (a <b>considered decision</b> ): (i) whether access is to be given to the document; and (ii) if access is to be given – whether any access charge must be paid before access is given,
Agency	65(b)	Power to give written notice of a decision.
Principal Officer (the Chief Executive Officer)	66(2)	In the specified circumstances, power to give prescribed written notice of the decision to the applicant.
Agency	68(1)	In the specified circumstances, power to give a prescribed written notice to an applicant.
Agency	69(2)	Power to give a prescribed written notice.

### Division 2 – Amendment applications

Entity power given to	Section of INPA	Description
Agency	70	If a person makes an amendment application for a document, power to: (a) consider the application and make a considered decision whether the amendment of the document is to be permitted; and (b) give the person a written notice of the decision.
Principal Officer (the CEO)	71(2)	Power to give prescribed written notice of the decision to the applicant.
Agency	72(1)(a)	Power to refuse to amend a document if the agency is not satisfied: (i) the personal information is inaccurate, incomplete, out of date or misleading; or (ii) the information sought to be amended is personal information of the applicant; or (iii) if the application is purportedly made by an agent, that the agent is suitably authorised to make the amendment application.
Agency	73(1)	Power to give a prescribed written notice to the applicant for an amendment application of the decision on the application.
Agency	74	Power to make an amendment by: (a) altering the personal information; or (b) adding an appropriate notation to the personal information.

Agency	76(3)(b)	Power to give the applicant written notice of the nature of the notation.
Agency	76(5)	Power to decide the information to which the notice relates is not information in relation to which the applicant was entitled to apply to the agency for amendment of the document.
Agency	76(5)(b)	In the specified circumstances, power to give prescribed written notice to the applicant of the decision.

## **Part 6 – Charging regime**

### **Division 3 – Waiver of charges**

<b>Entity power given to</b>	<b>Section of INPA</b>	<b>Description</b>
Agency	81(1)	Power to consider whether an access charge for an access application should be waived.
Agency	82(2)	When deciding to waive any access charge for an application, power to consider: (a) the applicant is the holder of a concessional card; and (b) the applicant is not making the application for some other person who is seeking to avoid the payment of a charge.
Agency	82(3)	Power to give the applicant a prescribed written notice of a decision under 82(2) before the end of the processing period.

## **Part 7 – Giving access**

<b>Entity power given to</b>	<b>Section of INPA</b>	<b>Description</b>
Agency	87(1)	In the specified circumstances, power to defer giving access to a document for a reasonable period.
Agency	87(2)	In the specified circumstances, power to give the applicant written notice when access is no longer deferred under section 87(1).
Agency	88(1)	Power to reasonably consider that a document will disclose to the applicant information that is not relevant to the access application for the document.
Agency	88(2)	Power to delete the irrelevant information from a copy of the document and give access to the document by giving access to a copy of the document with the irrelevant information deleted.
Agency	88(3)	Power to decide that it is reasonably practicable to give access to the copy.
Agency	91(2)	Power to consider whether it is consistent with the primary object of this act to give the applicant or a person nominated by the applicant and approved by the agency, a summary of the applicant's personal information; and power to agree with the intermediary or the intermediary and applicant regarding conditions of use or disclosure.
Agency	91(3)(a)	Power to make an agreement with an information giver for the disclosure of information given by that person.
Agency	91(3)(b)	Power to make an agreement with another person other than the applicant, for the disclosure of information, if the summary of information contains personal information about the other person.

Agency	92(2)	Power to direct that access to a document is instead given to an appropriately qualified healthcare professional nominated by the applicant and approved by the agency.
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## **Part 8 – Internal review**

Entity power given to	Section of INPA	Description
Reviewer	94(2)	Power to review a reviewable decision and make a new decision.
Agency	97(2)	Power to notify an applicant of a decision.
Agency	97(3)	Power to give a prescribed written notice of the decision to the applicant.

## **Part 9 – External review**

### **Division 2 – Application**

Entity power given to	Section of INPA	Description
Local Government / Agency	102(2)	In the specified circumstances, power to apply to the information commissioner to participate in the external review.

### **Division 3 – After application made**

Entity power given to	Section of INPA	Description
Agency	106(1)(b)	Power to apply to the commissioner to allow the agency further time to deal with the access or amendment application.

### **Division 5 – Powers of information commissioner on external review**

Entity power given to	Section of INPA	Description
Agency	112(2)	Power to give the applicant for external review and the commissioner an additional statement.
Agency	114(2)	Power to give the commissioner a written transcript of words recorded or contained in the document.
Agency	114(3)	Power to give the commissioner a written document created using the equipment.
Agency	115(1)	Power to conduct a particular further search, or to conduct further searches, for a document.

## **Part 10 – Vexatious applications**

Entity power given to	Section of INPA	Description
Agency	127(1)	Power to apply to the information commissioner that a person be declared a vexatious applicant.

**Part 11 – References of questions of law and appeals**

Entity power given to	Section of INPA	Description
Participant in an external review	131(1)	Power to request the commissioner to refer a question of law arising on an external review to QCAT.
Participant in an external review	132(1)	Power to appeal to the appeal tribunal against a decision of the information commissioner on the external review.

**CHAPTER 4 – INFORMATION COMMISSIONER AND PRIVACY COMMISSIONER****Part 5 – Waiving or modifying privacy principles obligations in the public interest**

Entity power given to	Section of INPA	Description
Agency	157(1)	Power to apply to the information commissioner for an approval under this section.

**Part 6 – Compliance notices**

Entity power given to	Section of INPA	Description
Agency	159(1)	If given a compliance notice, power to ask the information commissioner to extend the time within which it must take the action stated in the compliance notice.
Agency	159(3)(b)	In the specified circumstances, power to give the commissioner an undertaking to take the stated action within the extended period.
Agency	161(1)	Power to apply to QCAT for a review of the decision of the information commissioner.

**CHAPTER 5 – PRIVACY COMPLAINTS****Part 3 – Mediation of privacy complaints**

Entity power given to	Section of INPA	Description
Respondent	172(1)	Power to agree on a resolution of the complaint.
Respondent	172(2)	Power to ask the information commissioner to prepare a written record of the agreement.

**SCHEDULE 3 – INFORMATION PRIVACY PRINCIPLES**

Entity power given to	Section of INPA	Description
Agency	7(3)(a)	Power to consider it is not required to amend personal information included in a document under the agency's control in a way asked for by the individual the subject of the personal information.
Agency	10(1)(b)	Power to be satisfied on reasonable grounds that the use of the information for the other purpose is necessary to lessen or

		prevent a serious threat to the life, health, safety, or welfare of an individual, or to public health, safety or welfare.
Agency	10(1)(d)	Power to be satisfied on reasonable grounds that the use of the information for the other purpose is necessary in certain circumstances.
Agency	11(1)(c)	Power to be satisfied on reasonable grounds that the disclosure is necessary to lessen or prevent a serious threat to the life, health, safety or welfare of an individual, or to public health, safety or welfare.
Agency	11(1)(e)	Power to be satisfied on reasonable grounds that the disclosure of the information is necessary in certain circumstances.
Agency	11(1)(f)(iv)	Power to be satisfied on reasonable grounds that the relevant entity will not disclose the personal information to another entity.

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

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

[2017 06 05 - INPA - Delegation Instrument]

### **Conditions imposed on all Delegations**

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

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

# DELEGABLE POWERS UNDER THE INFORMATION PRIVACY ACT 2009 ("INPA")

## CHAPTER 2 – PRIVACY PRINCIPLES

### Part 1 – Compliance with IPPs by agencies

Entity power given to	Section of INPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Law Enforcement Agency	29(1)	Power to be satisfied on reasonable grounds that noncompliance with the IPP is necessary in certain circumstances.	23 February 2021	Executive Director Corporate Services	14 December 2021	

### Part 3 – Transfer of personal information outside Australia

Entity power given to	Section of INPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Agency	33(a)	Power to agree with an individual to transfer an individual's personal information to an entity outside Australia	23 February 2021	Executive Director Corporate Services	14 December 2021	
Agency	33(c)	Power to be satisfied on reasonable grounds that the transfer is necessary to lessen or prevent a serious threat to the life, health, safety or welfare of an individual, or to public health, safety or welfare.	23 February 2021	Executive Director Corporate Services	14 December 2021	
Agency	33(d)(i)	Power to form a reasonable belief that the recipient of the personal information is subject to a law, binding scheme or contract that effectively upholds principles for the fair handling of personal information that are	23 February 2021	Executive Director Corporate Services	14 December 2021	

		substantially similar to the IPPs or, if the agency is a health agency, the NPPs.				
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**Part 4 – Compliance with parts 1 to 3 by contracted service providers**

Entity power given to	Section of INPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Agency	34(1)	Power to enter into a service arrangement with a service provider.	23 February 2021	Executive Director Corporate Services	14 December 2021	

**CHAPTER 3 – DISCLOSURE AND AMENDMENT BY APPLICATION UNDER THIS ACT**

**Part 2 – Access and amendment applications**

Entity power given to	Section of INPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Agency	44(3)	Power to consider a person has an appropriate interest in the amendment of the personal information.	23 February 2021	Executive Director Corporate Services	14 December 2021	
Agency	49(2)	Power to consider a search for a document from a backup system is appropriate.	23 February 2021	Executive Director Corporate Services	14 December 2021	

## Part 3 – Dealing with application

### Division 1 – Decision-maker

Entity power given to	Section of INPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Principal Officer (the Chief Executive Officer)	50(2) <sup>3</sup>	The CEO as the Agency's Principal Officer has the power to delegate the principal officer powers to deal with an application to another officer of the agency.	This power does not need to be delegated as it is given directly to the CEO (as the agency's principal officer) under the Act.	Executive Director Corporate Services	14 December 2021	
Agency	50(5)(b)	Power to appoint an appropriately qualified health care professional to make a health care decision in relation to the application.	23 February 2021	Executive Director Corporate Services	14 December 2021	

### Division 2 – Preliminary contact with applicant

Entity power given to	Section of INPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Entity	52(1)(b)	Power to decide that an application is outside the scope of this Act for 1 or more of the following reasons: (i) the document is not a document of an agency, or document of a Minister, for this chapter; (ii) the entity is not an agency for this chapter; (iii) the application is made to the information commissioner, RTI	23 February 2021	Executive Director Corporate Services	14 December 2021	

<sup>3</sup> Section 50(1) of the Act provides that the only the CEO or his/her delegate can exercise this power.

		commissioner or privacy commissioner.				
Entity	52(2)	Power to give prescribed written notice to the applicant of the decision.	23 February 2021	Executive Director Corporate Services	14 December 2021	
Agency	53(2)	Power to inform a person how an application does not comply with a relevant application requirement.	23 February 2021	Executive Director Corporate Services	14 December 2021	
Agency	53(3)	Power to give a reasonable opportunity to consult with a view to making application in a form complying with all relevant application requirements.	23 February 2021	Executive Director Corporate Services	14 December 2021	
Agency	53(6)	Power to decide that an application does not comply with all relevant application requirements and to give the applicant prescribed written notice of the decision.	23 February 2021	Executive Director Corporate Services	14 December 2021	
Agency	54(2)	Power to make reasonable efforts to inform the applicant of the matters set out in 54(2).	23 February 2021	Executive Director Corporate Services	14 December 2021	
Agency	54(3)	Power to give the applicant a reasonable opportunity to consult as mentioned in 54(2)(c).	23 February 2021	Executive Director Corporate Services	14 December 2021	
Agency	54(5)(b)	Power to consider whether an application is an application that can be made under this Act and power to give the applicant prescribed written notice of the decision.	23 February 2021	Executive Director Corporate Services	14 December 2021	
Agency	55(1)	At any time before a deemed decision is taken to have been made in relation to an access or amendment application, power to ask the applicant for a further specified period to consider the application.	23 February 2021	Executive Director Corporate Services	14 December 2021	
Agency	55(3)	Power to continue to consider the application and make a considered decision in relation to it in certain circumstances.	23 February 2021	Executive Director Corporate Services	14 December 2021	

### Division 3 – Contact with relevant third party

Entity power given to	Section of INPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Agency	56(1) <sup>4</sup>	Power to give access to a document of which may reasonably be expected to be of concern to a government, agency or person.	23 February 2021	Executive Director Corporate Services	14 December 2021	
Agency	56(3)(b)	Power to decide: (i) that a document is a document for this chapter; or (ii) that the information is not exempt information or contrary to public interest information.	23 February 2021	Executive Director Corporate Services	14 December 2021	
Agency	56(3)(c)	Power to give prescribed written notice of the decision in 56(3)(b) to the applicant and the relevant third party.	23 February 2021	Executive Director Corporate Services	14 December 2021	
Agency	56(3)(d)	In the specified circumstances, power to defer giving access to a document.	23 February 2021	Executive Director Corporate Services	14 December 2021	
Agency	56(4)	Power to give the applicant written notice when access is no longer deferred under 56(3)(d).	23 February 2021	Executive Director Corporate Services	14 December 2021	

### Division 4 – Transfers

Entity power given to	Section of INPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Agency	57(2)	In the specified circumstances, power to transfer an access or amendment application to another agency.	23 February 2021	Executive Director Corporate Services	14 December 2021	

<sup>4</sup> Must take steps that are reasonably practicable to obtain the views of the relevant third party about whether:  
(a) the document is a document for this chapter; or  
(b) the information is exempt information or contrary to public interest information.

Other Agency	57(2)(b)	Power to consent to a transfer.				
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**Part 4 – Refusal to deal with access or amendment application**

Entity power given to	Section of INPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Agency	59(2)	Power to refuse to deal with an application without having identified any or all of the documents.	23 February 2021	Executive Director Corporate Services	14 December 2021	
Agency	60(1)	Power to refuse to deal with an access or amendment application, or, if the agency or Minister is considering 2 or more access or amendment applications by the applicant, all the applications, if when using the power to consider the work involved in dealing with the application or all the applications would, if carried out: (a) substantially and unreasonably divert the resources of the agency from their use by the agency in the performance of its functions.	23 February 2021	Executive Director Corporate Services	14 December 2021	
Agency	61(1)(a)	Power to give the applicant a written notice regarding its refusal to deal with an application under section 60.	23 February 2021	Executive Director Corporate Services	14 December 2021	
Agency	61(1)(b)	Power to give the applicant a reasonable opportunity to consult with the agency.	23 February 2021	Executive Director Corporate Services	14 December 2021	
Agency	61(1)(c)	Power to give the applicant any information that would help the making of an application in a form that would remove the ground for refusal.	23 February 2021	Executive Director Corporate Services	14 December 2021	
Agency	61(6)(b)	Power to agree upon a longer prescribed consultation period.	23 February 2021	Executive Director Corporate Services	14 December 2021	

Agency	62(3)	In the specified circumstances, power to refuse to deal with the later application to the extent it is for access to a document or documents sought under the first application.	23 February 2021	Executive Director Corporate Services	14 December 2021	
Agency	63(3)	In the specified circumstances, power to refuse to deal with the later application to the extent it is for amendment of a document or documents sought under the first application.	23 February 2021	Executive Director Corporate Services	14 December 2021	

## Part 5 – Decision

### Division 1 – Access applications

Entity power given to	Section of INPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Agency	65(a)	In the specified circumstances, power to make a decision (a <b>considered decision</b> ): (i) whether access is to be given to the document; and (ii) if access is to be given – whether any access charge must be paid before access is given,	23 February 2021	Executive Director Corporate Services	14 December 2021	
Agency	65(b)	Power to give written notice of a decision.	23 February 2021	Executive Director Corporate Services	14 December 2021	
Principal Officer (the Chief Executive Officer)	66(2)	In the specified circumstances, power to give prescribed written notice of the decision to the applicant.	This power does not need to be delegated as it is given directly to the CEO (as the agency's principal officer) under the Act.	Executive Director Corporate Services	14 December 2021	
Agency	68(1)	In the specified circumstances, power to give a prescribed written notice to an applicant.	23 February 2021	Executive Director Corporate Services	14 December 2021	

Agency	69(2)	Power to give a prescribed written notice.	23 February 2021	Executive Director Corporate Services	14 December 2021	
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### Division 2 – Amendment applications

Entity power given to	Section of INPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Agency	70	If a person makes an amendment application for a document, power to: (a) consider the application and make a considered decision whether the amendment of the document is to be permitted; and (b) give the person a written notice of the decision.	23 February 2021	Executive Director Corporate Services	14 December 2021	
Principal Officer (the CEO)	71(2)	Power to give prescribed written notice of the decision to the applicant.	This power does not need to be delegated as it is given directly to the CEO (as the agency's principal officer) under the Act.	Executive Director Corporate Services	14 December 2021	
Agency	72(1)(a)	Power to refuse to amend a document if the agency is not satisfied: (i) the personal information is inaccurate, incomplete, out of date or misleading; or (ii) the information sought to be amended is personal information of the applicant; or (iii) if the application is purportedly made by an agent, that the agent is	23 February 2021	Executive Director Corporate Services	14 December 2021	

		suitably authorised to make the amendment application.				
Agency	73(1)	Power to give a prescribed written notice to the applicant for an amendment application of the decision on the application.	23 February 2021	Executive Director Corporate Services	14 December 2021	
Agency	74	Power to make an amendment by: (a) altering the personal information; or (b) adding an appropriate notation to the personal information.	23 February 2021	Executive Director Corporate Services	14 December 2021	
Agency	76(3)(b)	Power to give the applicant written notice of the nature of the notation.	23 February 2021	Executive Director Corporate Services	14 December 2021	
Agency	76(5)	Power to decide the information to which the notice relates is not information in relation to which the applicant was entitled to apply to the agency for amendment of the document.	23 February 2021	Executive Director Corporate Services	14 December 2021	
Agency	76(5)(b)	In the specified circumstances, power to give prescribed written notice to the applicant of the decision.	23 February 2021	Executive Director Corporate Services	14 December 2021	

## Part 6 – Charging regime

### Division 3 – Waiver of charges

Entity power given to	Section of INPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Agency	81(1)	Power to consider whether an access charge for an access application should be waived.	23 February 2021	Executive Director Corporate Services	14 December 2021	
Agency	82(2)	When deciding to waive any access charge for an application, power to consider: (a) the applicant is the holder of a concessional card; and (b) the applicant is not making the application for some other person	23 February 2021	Executive Director Corporate Services	14 December 2021	

		who is seeking to avoid the payment of a charge.				
Agency	82(3)	Power to give the applicant a prescribed written notice of a decision under 82(2) before the end of the processing period.	23 February 2021	Executive Director Corporate Services	14 December 2021	

## Part 7 – Giving access

Entity power given to	Section of INPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Agency	87(1)	In the specified circumstances, power to defer giving access to a document for a reasonable period.	23 February 2021	Executive Director Corporate Services	14 December 2021	
Agency	87(2)	In the specified circumstances, power to give the applicant written notice when access is no longer deferred under section 87(1).	23 February 2021	Executive Director Corporate Services	14 December 2021	
Agency	88(1)	Power to reasonably consider that a document will disclose to the applicant information that is not relevant to the access application for the document.	23 February 2021	Executive Director Corporate Services	14 December 2021	
Agency	88(2)	Power to delete the irrelevant information from a copy of the document and give access to the document by giving access to a copy of the document with the irrelevant information deleted.	23 February 2021	Executive Director Corporate Services	14 December 2021	
Agency	88(3)	Power to decide that it is reasonably practicable to give access to the copy.	23 February 2021	Executive Director Corporate Services	14 December 2021	
Agency	91(2)	Power to consider whether it is consistent with the primary object of this act to give the applicant or a person nominated by the applicant and approved by the agency, a summary of the applicant's personal information; and power to agree with the intermediary or the intermediary and	23 February 2021	Executive Director Corporate Services	14 December 2021	

		applicant regarding conditions of use or disclosure.				
Agency	91(3)(a)	Power to make an agreement with an information giver for the disclosure of information given by that person.	23 February 2021	Executive Director Corporate Services	14 December 2021	
Agency	91(3)(b)	Power to make an agreement with another person other than the applicant, for the disclosure of information, if the summary of information contains personal information about the other person.	23 February 2021	Executive Director Corporate Services	14 December 2021	
Agency	92(2)	Power to direct that access to a document is instead given to an appropriately qualified healthcare professional nominated by the applicant and approved by the agency.	23 February 2021	This power is only to be used by the CEO as Council's Principal Officer, and therefore can not be sub-delegated.		

## Part 8 – Internal review

Entity power given to	Section of INPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Reviewer	94(2)	Power to review a reviewable decision and make a new decision.	23 February 2021	Executive Director Corporate Services	14 December 2021	
Agency	97(2)	Power to notify an applicant of a decision.	23 February 2021	Executive Director Corporate Services	14 December 2021	
Agency	97(3)	Power to give a prescribed written notice of the decision to the applicant.	23 February 2021	Executive Director Corporate Services	14 December 2021	

**Part 9 – External review**

**Division 2 – Application**

Entity power given to	Section of INPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government / Agency	102(2)	In the specified circumstances, power to apply to the information commissioner to participate in the external review.	23 February 2021	Executive Director Corporate Services	14 December 2021	

**Division 3 – After application made**

Entity power given to	Section of INPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Agency	106(1)(b)	Power to apply to the commissioner to allow the agency further time to deal with the access or amendment application.	23 February 2021	Executive Director Corporate Services	14 December 2021	

**Division 5 – Powers of information commissioner on external review**

Entity power given to	Section of INPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Agency	112(2)	Power to give the applicant for external review and the commissioner an additional statement.	23 February 2021	Executive Director Corporate Services	14 December 2021	
Agency	114(2)	Power to give the commissioner a written transcript of words recorded or contained in the document.	23 February 2021	Executive Director Corporate Services	14 December 2021	
Agency	114(3)	Power to give the commissioner a written document created using the equipment.	23 February 2021	Executive Director Corporate Services	14 December 2021	

Agency	115(1)	Power to conduct a particular further search, or to conduct further searches, for a document.	23 February 2021	Executive Director Corporate Services	14 December 2021	
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#### **Part 10 – Vexatious applications**

Entity power given to	Section of INPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Agency	127(1)	Power to apply to the information commissioner that a person be declared a vexatious applicant.	23 February 2021	Executive Director Corporate Services	14 December 2021	

#### **Part 11 – References of questions of law and appeals**

Entity power given to	Section of INPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Participant in an external review	131(1)	Power to request the commissioner to refer a question of law arising on an external review to QCAT.	23 February 2021	Executive Director Corporate Services	14 December 2021	
Participant in an external review	132(1)	Power to appeal to the appeal tribunal against a decision of the information commissioner on the external review.	23 February 2021	Executive Director Corporate Services	14 December 2021	

## CHAPTER 4 – INFORMATION COMMISSIONER AND PRIVACY COMMISSIONER

### Part 5 – Waiving or modifying privacy principles obligations in the public interest

Entity power given to	Section of INPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Agency	157(1)	Power to apply to the information commissioner for an approval under this section.	23 February 2021	Executive Director Corporate Services	14 December 2021	

### Part 6 – Compliance notices

Entity power given to	Section of INPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Agency	159(1)	If given a compliance notice, power to ask the information commissioner to extend the time within which it must take the action stated in the compliance notice.	23 February 2021	Executive Director Corporate Services	14 December 2021	
Agency	159(3)(b)	In the specified circumstances, power to give the commissioner an undertaking to take the stated action within the extended period.	23 February 2021	Executive Director Corporate Services	14 December 2021	
Agency	161(1)	Power to apply to QCAT for a review of the decision of the information commissioner.	23 February 2021	Executive Director Corporate Services	14 December 2021	

## CHAPTER 5 – PRIVACY COMPLAINTS

### Part 3 – Mediation of privacy complaints

Entity power given to	Section of INPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Respondent	172(1)	Power to agree on a resolution of the complaint.	23 February 2021	Executive Director Corporate Services	14 December 2021	
Respondent	172(2)	Power to ask the information commissioner to prepare a written record of the agreement.	23 February 2021	Executive Director Corporate Services	14 December 2021	

## SCHEDULE 3 – INFORMATION PRIVACY PRINCIPLES

Entity power given to	Section of INPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Agency	7(3)(a)	Power to consider it is not required to amend personal information included in a document under the agency's control in a way asked for by the individual the subject of the personal information.	23 February 2021	Executive Director Corporate Services	14 December 2021	
Agency	10(1)(b)	Power to be satisfied on reasonable grounds that the use of the information for the other purpose is necessary to lessen or prevent a serious threat to the life, health, safety, or welfare of an individual, or to public health, safety or welfare.	23 February 2021	Executive Director Corporate Services	14 December 2021	
Agency	10(1)(d)	Power to be satisfied on reasonable grounds that the use of the information for the other purpose is necessary in certain circumstances.	23 February 2021	Executive Director Corporate Services	14 December 2021	

Agency	11(1)(c)	Power to be satisfied on reasonable grounds that the disclosure is necessary to lessen or prevent a serious threat to the life, health, safety or welfare of an individual, or to public health, safety or welfare.	23 February 2021	Executive Director Corporate Services	14 December 2021	
Agency	11(1)(e)	Power to be satisfied on reasonable grounds that the disclosure of the information is necessary in certain circumstances.	23 February 2021	Executive Director Corporate Services	14 December 2021	
Agency	11(1)(f)(iv)	Power to be satisfied on reasonable grounds that the relevant entity will not disclose the personal information to another entity.	23 February 2021	Executive Director Corporate Services	14 December 2021	

[2017 06 05 - INPA - Delegation Table]

## INSTRUMENT OF SUB-DELEGATION

**Torres Strait Island Regional Council**  
*Information Privacy Act 2009 ("INPA")*

Under section 259 of the *Local Government Act 2009*, I, **David Baldwin**, Acting 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 **23 February 2021** to delegate those powers to the Chief Executive Officer.

**DATED** this                      day of                      2021.

**David Baldwin**  
Acting Chief Executive Officer  
**Torres Strait Island Regional Council**

**Position:** Executive Director Corporate Services

## POWERS SUB-DELEGATED

### *Information Privacy Act 2009 ("INPA")*

#### CHAPTER 2 – PRIVACY PRINCIPLES

##### Part 1 – Compliance with IPPs by agencies

Entity power given to	Section of INPA	Description
Law Enforcement Agency	29(1)	Power to be satisfied on reasonable grounds that noncompliance with the IPP is necessary in certain circumstances.

##### Part 3 – Transfer of personal information outside Australia

Entity power given to	Section of INPA	Description
Agency	33(a)	Power to agree with an individual to transfer an individual's personal information to an entity outside Australia
Agency	33(c)	Power to be satisfied on reasonable grounds that the transfer is necessary to lessen or prevent a serious threat to the life, health, safety or welfare of an individual, or to public health, safety or welfare.
Agency	33(d)(i)	Power to form a reasonable belief that the recipient of the personal information is subject to a law, binding scheme or contract that effectively upholds principles for the fair handling of personal information that are substantially similar to the IPPs or, if the agency is a health agency, the NPPs.

##### Part 4 – Compliance with parts 1 to 3 by contracted service providers

Entity power given to	Section of INPA	Description
Agency	34(1)	Power to enter into a service arrangement with a service provider.

#### CHAPTER 3 – DISCLOSURE AND AMENDMENT BY APPLICATION UNDER THIS ACT

##### Part 2 – Access and amendment applications

Entity power given to	Section of INPA	Description
Agency	44(3)	Power to consider a person has an appropriate interest in the amendment of the personal information.
Agency	49(2)	Power to consider a search for a document from a backup system is appropriate.

**Part 3 –****Dealing with application****Division 1 – Decision-maker**

Entity power given to	Section of INPA	Description
Principal Officer (the Chief Executive Officer)	50(2) <sup>5</sup>	The CEO as the Agency's Principal Officer has the power to delegate the principal officer powers to deal with an application to another officer of the agency.
Agency	50(5)(b)	Power to appoint an appropriately qualified health care professional to make a health care decision in relation to the application.

**Division 2 – Preliminary contact with applicant**

Entity power given to	Section of INPA	Description
Entity	52(1)(b)	Power to decide that an application is outside the scope of this Act for 1 or more of the following reasons: (i) the document is not a document of an agency, or document of a Minister, for this chapter; (ii) the entity is not an agency for this chapter; (iii) the application is made to the information commissioner, RTI commissioner or privacy commissioner.
Entity	52(2)	Power to give prescribed written notice to the applicant of the decision.
Agency	53(2)	Power to inform a person how an application does not comply with a relevant application requirement.
Agency	53(3)	Power to give a reasonable opportunity to consult with a view to making application in a form complying with all relevant application requirements.
Agency	53(6)	Power to decide that an application does not comply with all relevant application requirements and to give the applicant prescribed written notice of the decision.
Agency	54(2)	Power to make reasonable efforts to inform the applicant of the matters set out in 54(2).
Agency	54(3)	Power to give the applicant a reasonable opportunity to consult as mentioned in 54(2)(c).
Agency	54(5)(b)	Power to consider whether an application is an application that can be made under this Act and power to give the applicant prescribed written notice of the decision.
Agency	55(1)	At any time before a deemed decision is taken to have been made in relation to an access or amendment application, power to ask the applicant for a further specified period to consider the application.
Agency	55(3)	Power to continue to consider the application and make a considered decision in relation to it in certain circumstances.

### Division 3 – Contact with relevant third party

Entity power given to	Section of INPA	Description
Agency	56(1) <sup>6</sup>	Power to give access to a document of which may reasonably be expected to be of concern to a government, agency or person.
Agency	56(3)(b)	Power to decide: (i) that a document is a document for this chapter; or (ii) that the information is not exempt information or contrary to public interest information.
Agency	56(3)(c)	Power to give prescribed written notice of the decision in 56(3)(b) to the applicant and the relevant third party.
Agency	56(3)(d)	In the specified circumstances, power to defer giving access to a document.
Agency	56(4)	Power to give the applicant written notice when access is no longer deferred under 56(3)(d).

### Division 4 – Transfers

Entity power given to	Section of INPA	Description
Agency	57(2)	In the specified circumstances, power to transfer an access or amendment application to another agency.
Other Agency	57(2)(b)	Power to consent to a transfer.

### Part 4 – Refusal to deal with access or amendment application

Entity power given to	Section of INPA	Description
Agency	59(2)	Power to refuse to deal with an application without having identified any or all of the documents.
Agency	60(1)	Power to refuse to deal with an access or amendment application, or, if the agency or Minister is considering 2 or more access or amendment applications by the applicant, all the applications, if when using the power to consider the work involved in dealing with the application or all the applications would, if carried out: (a) substantially and unreasonably divert the resources of the agency from their use by the agency in the performance of its functions.
Agency	61(1)(a)	Power to give the applicant a written notice regarding its refusal to deal with an application under section 60.
Agency	61(1)(b)	Power to give the applicant a reasonable opportunity to consult with the agency.
Agency	61(1)(c)	Power to give the applicant any information that would help the making of an application in a form that would remove the ground for refusal.
Agency	61(6)(b)	Power to agree upon a longer prescribed consultation period.

<sup>6</sup> Must take steps that are reasonably practicable to obtain the views of the relevant third party about whether:  
(a) the document is a document for this chapter; or  
(b) the information is exempt information or contrary to public interest information.

Agency	62(3)	In the specified circumstances, power to refuse to deal with the later application to the extent it is for access to a document or documents sought under the first application.
Agency	63(3)	In the specified circumstances, power to refuse to deal with the later application to the extent it is for amendment of a document or documents sought under the first application.

## Part 5 –

## Decision

### Division 1 – Access applications

Entity power given to	Section of INPA	Description
Agency	65(a)	In the specified circumstances, power to make a decision (a <b>considered decision</b> ): (i) whether access is to be given to the document; and (ii) if access is to be given – whether any access charge must be paid before access is given,
Agency	65(b)	Power to give written notice of a decision.
Principal Officer (the Chief Executive Officer)	66(2)	In the specified circumstances, power to give prescribed written notice of the decision to the applicant.
Agency	68(1)	In the specified circumstances, power to give a prescribed written notice to an applicant.
Agency	69(2)	Power to give a prescribed written notice.

### Division 2 – Amendment applications

Entity power given to	Section of INPA	Description
Agency	70	If a person makes an amendment application for a document, power to: (a) consider the application and make a considered decision whether the amendment of the document is to be permitted; and (b) give the person a written notice of the decision.
Principal Officer (the CEO)	71(2)	Power to give prescribed written notice of the decision to the applicant.
Agency	72(1)(a)	Power to refuse to amend a document if the agency is not satisfied: (i) the personal information is inaccurate, incomplete, out of date or misleading; or (ii) the information sought to be amended is personal information of the applicant; or (iii) if the application is purportedly made by an agent, that the agent is suitably authorised to make the amendment application.
Agency	73(1)	Power to give a prescribed written notice to the applicant for an amendment application of the decision on the application.
Agency	74	Power to make an amendment by: (a) altering the personal information; or (b) adding an appropriate notation to the personal information.

Agency	76(3)(b)	Power to give the applicant written notice of the nature of the notation.
Agency	76(5)	Power to decide the information to which the notice relates is not information in relation to which the applicant was entitled to apply to the agency for amendment of the document.
Agency	76(5)(b)	In the specified circumstances, power to give prescribed written notice to the applicant of the decision.

## Part 6 –

## Charging regime

### Division 3 – Waiver of charges

Entity power given to	Section of INPA	Description
Agency	81(1)	Power to consider whether an access charge for an access application should be waived.
Agency	82(2)	When deciding to waive any access charge for an application, power to consider: (a) the applicant is the holder of a concessional card; and (b) the applicant is not making the application for some other person who is seeking to avoid the payment of a charge.
Agency	82(3)	Power to give the applicant a prescribed written notice of a decision under 82(2) before the end of the processing period.

## Part 7 –

## Giving access

Entity power given to	Section of INPA	Description
Agency	87(1)	In the specified circumstances, power to defer giving access to a document for a reasonable period.
Agency	87(2)	In the specified circumstances, power to give the applicant written notice when access is no longer deferred under section 87(1).
Agency	88(1)	Power to reasonably consider that a document will disclose to the applicant information that is not relevant to the access application for the document.
Agency	88(2)	Power to delete the irrelevant information from a copy of the document and give access to the document by giving access to a copy of the document with the irrelevant information deleted.
Agency	88(3)	Power to decide that it is reasonably practicable to give access to the copy.
Agency	91(2)	Power to consider whether it is consistent with the primary object of this act to give the applicant or a person nominated by the applicant and approved by the agency, a summary of the applicant's personal information; and power to agree with the intermediary or the intermediary and applicant regarding conditions of use or disclosure.
Agency	91(3)(a)	Power to make an agreement with an information giver for the disclosure of information given by that person.
Agency	91(3)(b)	Power to make an agreement with another person other than the applicant, for the disclosure of information, if the summary of information contains personal information about the other person.

**Part 8 – Internal review**

Entity power given to	Section of INPA	Description
Reviewer	94(2)	Power to review a reviewable decision and make a new decision.
Agency	97(2)	Power to notify an applicant of a decision.
Agency	97(3)	Power to give a prescribed written notice of the decision to the applicant.

**Part 9 – External review****Division 2 – Application**

Entity power given to	Section of INPA	Description
Local Government / Agency	102(2)	In the specified circumstances, power to apply to the information commissioner to participate in the external review.

**Division 3 – After application made**

Entity power given to	Section of INPA	Description
Agency	106(1)(b)	Power to apply to the commissioner to allow the agency further time to deal with the access or amendment application.

**Division 5 – Powers of information commissioner on external review**

Entity power given to	Section of INPA	Description
Agency	112(2)	Power to give the applicant for external review and the commissioner an additional statement.
Agency	114(2)	Power to give the commissioner a written transcript of words recorded or contained in the document.
Agency	114(3)	Power to give the commissioner a written document created using the equipment.
Agency	115(1)	Power to conduct a particular further search, or to conduct further searches, for a document.

**Part 10 – Vexatious applications**

Entity power given to	Section of INPA	Description
Agency	127(1)	Power to apply to the information commissioner that a person be declared a vexatious applicant.

**Part 11 – References of questions of law and appeals**

Entity power given to	Section of INPA	Description
Participant in an external review	131(1)	Power to request the commissioner to refer a question of law arising on an external review to QCAT.

Participant in an external review	132(1)	Power to appeal to the appeal tribunal against a decision of the information commissioner on the external review.
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## CHAPTER 4 – INFORMATION COMMISSIONER AND PRIVACY COMMISSIONER

### Part 5 – Waiving or modifying privacy principles obligations in the public interest

Entity power given to	Section of INPA	Description
Agency	157(1)	Power to apply to the information commissioner for an approval under this section.

### Part 6 – Compliance notices

Entity power given to	Section of INPA	Description
Agency	159(1)	If given a compliance notice, power to ask the information commissioner to extend the time within which it must take the action stated in the compliance notice.
Agency	159(3)(b)	In the specified circumstances, power to give the commissioner an undertaking to take the stated action within the extended period.
Agency	161(1)	Power to apply to QCAT for a review of the decision of the information commissioner.

## CHAPTER 5 – PRIVACY COMPLAINTS

### Part 3 – Mediation of privacy complaints

Entity power given to	Section of INPA	Description
Respondent	172(1)	Power to agree on a resolution of the complaint.
Respondent	172(2)	Power to ask the information commissioner to prepare a written record of the agreement.

## SCHEDULE 3 – INFORMATION PRIVACY PRINCIPLES

Entity power given to	Section of INPA	Description
Agency	7(3)(a)	Power to consider it is not required to amend personal information included in a document under the agency's control in a way asked for by the individual the subject of the personal information.
Agency	10(1)(b)	Power to be satisfied on reasonable grounds that the use of the information for the other purpose is necessary to lessen or prevent a serious threat to the life, health, safety, or welfare of an individual, or to public health, safety or welfare.
Agency	10(1)(d)	Power to be satisfied on reasonable grounds that the use of the information for the other purpose is necessary in certain circumstances.

Agency	11(1)(c)	Power to be satisfied on reasonable grounds that the disclosure is necessary to lessen or prevent a serious threat to the life, health, safety or welfare of an individual, or to public health, safety or welfare.
Agency	11(1)(e)	Power to be satisfied on reasonable grounds that the disclosure of the information is necessary in certain circumstances.
Agency	11(1)(f)(iv)	Power to be satisfied on reasonable grounds that the relevant entity will not disclose the personal information to another entity.

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

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

[2017 06 05 - INPA - Sub-Delegation Instrument]

### **Conditions imposed on all Delegations**

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

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

# INSTRUMENT OF SUB-DELEGATION

## **Torres Strait Island Regional Council** ***Information Privacy Act 2009 ("INPA")***

Under section 259 of the *Local Government Act 2009*, I, **David Baldwin**, Acting 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 **23 February 2021** to delegate those powers to the Chief Executive Officer.

DATED this 14 day of 12 2021.

  
\_\_\_\_\_  
**David Baldwin**  
Acting Chief Executive Officer  
**Torres Strait Island Regional Council**

# **INSTRUMENT OF DELEGATION**

## **Torres Strait Island Regional Council** ***Land Regulation 2020 ("LANR")***

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.

***Land Regulation 2020 ("LANR")*****Part 3 – Matters affecting land holdings****Division 1 – Purchase price and valuations for particular purposes**

<b>Entity power given to</b>	<b>Section of LANR</b>	<b>Description</b>
Lessee	19	Power to appeal against the purchase price decision.

**Part 4 – Rents and instalments****Division 2 – Categorisation of tenures for rental purposes*****Subdivision 3 – Allocating particular tenures to rental categories***

<b>Entity power given to</b>	<b>Section of LANR</b>	<b>Description</b>
Prospective lessee or licensee	31(3)	Power to appeal against the rental category decision.
Lessee	31(4)	In the circumstances stated in section 31(4), power to appeal against a decision of the Minister to change the rental category of the lease.
Prospective permittee	32(3)	Power to appeal against a decision of the chief executive to allocate the permit to a rental category for calculating the rent payable for the permit.

**Part 8 – General****Division 2 – Declared beach areas*****Subdivision 2 – Use conditions***

<b>Entity power given to</b>	<b>Section of LANR</b>	<b>Description</b>
Manager of a declared beach area	85(1)	Power to form a reasonable belief that the closure of the declared beach area is necessary, and power to temporarily close the declared beach area.
Manager of a declared beach area	85(2)	Power to authorise a person to access a closed beach area.

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

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

[2020 07 01 - LANR - 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 LAND REGULATION 2020 ("LANR")

### Part 3 – Matters affecting land holdings

#### Division 1 – Purchase price and valuations for particular purposes

Entity power given to	Section of LANR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessee	19	Power to appeal against the purchase price decision.	N/A			

### Part 4 – Rents and instalments

#### Division 2 – Categorisation of tenures for rental purposes

#### *Subdivision 3 – Allocating particular tenures to rental categories*

Entity power given to	Section of LANR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Prospective lessee or licensee	31(3)	Power to appeal against the rental category decision.	N/A			
Lessee	31(4)	In the circumstances stated in section 31(4), power to appeal against a decision of the Minister to change the rental category of the lease.	N/A			

Prospective permittee	32(3)	Power to appeal against a decision of the chief executive to allocate the permit to a rental category for calculating the rent payable for the permit.	N/A			
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**Part 8 – General**

**Division 2 – Declared beach areas**

***Subdivision 2 – Use conditions***

Entity power given to	Section of LANR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Manager of a declared beach area	85(1)	Power to form a reasonable belief that the closure of the declared beach area is necessary, and power to temporarily close the declared beach area.	23 February 2021			Subject to consultation with the Divisional Councillor.
Manager of a declared beach area	85(2)	Power to authorise a person to access a closed beach area.	23 February 2021			Subject to consultation with the Divisional Councillor.

[2020 07 01 - LANR - Delegation Table]

## INSTRUMENT OF SUB-DELEGATION

**Torres Strait Island Regional Council**  
*Land Regulation 2020 ("LANR")*

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                      2020.

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

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

## POWERS SUB-DELEGATED

### *Land Regulation 2020 ("LANR")*

#### Part 3 – Matters affecting land holdings

##### Division 1 – Purchase price and valuations for particular purposes

Entity power given to	Section of LANR	Description
Lessee	19	Power to appeal against the purchase price decision.

#### Part 4 – Rents and instalments

##### Division 2 – Categorisation of tenures for rental purposes

##### *Subdivision 3 – Allocating particular tenures to rental categories*

Entity power given to	Section of LANR	Description
Prospective lessee or licensee	31(3)	Power to appeal against the rental category decision.
Lessee	31(4)	In the circumstances stated in section 31(4), power to appeal against a decision of the Minister to change the rental category of the lease.
Prospective permittee	32(3)	Power to appeal against a decision of the chief executive to allocate the permit to a rental category for calculating the rent payable for the permit.

#### Part 8 – General

##### Division 2 – Declared beach areas

##### *Subdivision 2 – Use conditions*

Entity power given to	Section of LANR	Description
Manager of a declared beach area	85(1)	Power to form a reasonable belief that the closure of the declared beach area is necessary, and power to temporarily close the declared beach area.
Manager of a declared beach area	85(2)	Power to authorise a person to access a closed beach area.

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

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

[2020 07 01 - LANR - 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).

# **INSTRUMENT OF DELEGATION**

## **Torres Strait Island Regional Council** ***Land Title Act 1994 ("LATA")***

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.

**Land Title Act 1994 ("LATA")****Part 4 – Registration of land****Division 3 – Plans of subdivision**

Entity power given to	Section of LATA	Description
Registered Owner	50(1)(b)(i)	Power to include a statement agreeing to the plan and dedicating the public use land.

**Division 3A – Dedication of road by notice**

Entity power given to	Section of LATA	Description
Registered Owner	54(1)	Power to sign and lodge for registration a dedication notice.

**Part 6 – Dealings directly affecting lots****Division 1 – Transfers**

Entity power given to	Section of LATA	Description
Local Government	60(1)	Power to sign and lodge for registration an instrument of transfer for a lot or interest.

**Division 2 – Leases**

Entity power given to	Section of LATA	Description
Local Government	64	Power to sign and lodge for registration an instrument of lease for a lot or part of a lot.
Local Government	67(1)	Power to sign and lodge an instrument of amendment of the lease.
Lessor	68(1)	Power to sign and lodge a request for the registrar to register the re-entry.
Lessor or Lessee	69(1)	Power to execute and lodge for registration an instrument of surrender.

**Division 4 – Easements**

Entity power given to	Section of LATA	Description
Local Government	82(1)	Power to sign and lodge for registration an instrument of easement.
Registered Owner / Lessee / Person entitled to land / Public Utility Provider	83(1)(b)	Power to sign an instrument of easement.
Local Government	83(2)(b)	In certain circumstances, power to approve a plan of survey.
Registered Owner	87(a)	Power to ask the registrar to extinguish the easement.

Local government	90(1)	Power to sign and lodge for registration an instrument of surrender of an easement.
Local Government	91(1)	Power to sign and lodge for registration an instrument of amendment of the easement.

#### **Division 4AA – High-density development easements**

<b>Entity power given to</b>	<b>Section of LATA</b>	<b>Description</b>
Owner of the benefitted lot	95(7)(c)	Power to give written consent to an owner of a burdened lot to remove, change or otherwise interfere with any support.
Owner of the benefitted lot	96A(5)	Power to provide written consent to an owner of a burdened lot to remove, change or otherwise interfere with any projection.
Owner of the benefitted lot	96C(6)	Power to provide written consent to an owner of a burdened lot to: (a) remove, change or otherwise interfere with the roof water drainage structure; or (b) obstruct or otherwise interfere with the flow of water through the structure.

#### **Division 4A – Covenants**

<b>Entity power given to</b>	<b>Section of LATA</b>	<b>Description</b>
Local Government	97A(1)	Power to sign and lodge for registration an instrument of covenant.
Local Government	97C(1)	Power to sign and lodge for registration an instrument of amendment of the covenant.
Local Government	97D(1)	Power to sign and lodge for registration an instrument releasing a covenant.

#### **Division 4B – Profits a prendre**

<b>Entity power given to</b>	<b>Section of LATA</b>	<b>Description</b>
Local Government	97E	Power to sign and lodge for registration an instrument of profit a prendre.
Local Government	97K(1)	Power to sign and lodge for registration an instrument of amendment of the profit a prendre.

#### **Division 4C – Carbon abatement interests**

##### ***Subdivision 2 – Creation and registration***

<b>Entity power given to</b>	<b>Section of LATA</b>	<b>Description</b>
Local Government	97O(1)(a)	Power to sign and lodge for registration an instrument of carbon abatement interest.
Holders of the registered interests in the land	97P(c)	Power to consent to the proposed grant of a carbon abatement interest.

### ***Subdivision 3 – Amendments and dealings***

<b>Entity power given to</b>	<b>Section of LATA</b>	<b>Description</b>
Local Government	97S(1)	Power to sign and lodge for registration an instrument of amendment of a carbon abatement interest.

### **Division 5 – Application by adverse possessor**

<b>Entity power given to</b>	<b>Section of LATA</b>	<b>Description</b>
Person who claims an interest in the lot	104	Power to sign and lodge a caveat.
Caveator	105(2)	Power to: (a) start a proceeding in the Supreme Court to recover the lot; and (b) give written notice to the registrar, in the way the registrar requires, that the proceeding has started.
Caveator	106	Power to seek leave of the Supreme Court to lodge a further caveat.
Caveator	107(2)	Power to start a proceeding in the Supreme Court to recover a lot.
Applicant	108A(2)	Power to sign a plan of subdivision.

## **Part 7 – Other dealings**

### **Division 1 – Writs of execution**

<b>Entity power given to</b>	<b>Section of LATA</b>	<b>Description</b>
Local Government	116	Power to sign and lodge a request to register a writ of execution.

### **Division 2 – Caveats**

<b>Entity power given to</b>	<b>Section of LATA</b>	<b>Description</b>
Caveator	121(1)	Power to sign a caveat.
A person mentioned in s. 122(1)	122(1)	Power to lodge for registration a caveat.
Caveator	124(2)(b)	Power to consent to the registration of an instrument.
Caveator	125	Power to sign and lodge for registration a request to withdraw a caveat.
Caveatee	126(2)	Power to serve a notice requiring the caveator to start a proceeding in a Court of competent jurisdiction to establish the interest claimed under the caveat.
Caveator	126(4)	Power to start a proceeding and notify the registrar in the way described in section 126(4).
Caveatee	127(1)	Power to apply to the Supreme Court for an order that a caveat be removed.
Caveator or Caveatee	128(1)	Power to sign and lodge for registration a request to cancel a caveat.

**Part 7A – Priority notices**

Entity power given to	Section of LATA	Description
Person	139(1)	Power to deposit a priority notice.
Person	139(2)	Power to sign a priority notice.
Person	141(1)	Power to deposit an extension request
Person	141(2)	Power to sign and extension request
Person	143(1)	Power to deposit a request to withdraw a priority notice.
Person	143(2)	Power to sign a request to withdraw a priority notice.
An affected person	144(1)	Power to apply to the Supreme Court for an order that a priority notice be removed.
Person	145(1)(a)	Power to deposit a request to cancel a priority notice.
Person	149(1)	Power to deposit a request to correct a priority notice.

**Part 8 – Instruments****Division 2 – Standard terms documents forming part of instruments**

Entity power given to	Section of LATA	Description
Local Government	169(1)	Power to lodge a standard terms document and lodge a further standard terms document amending the standard terms document.
Local Government	172(1)	Power to ask the registrar to withdraw a registered standard terms 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 03 29 - LATA - 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 LAND TITLE ACT 1994 ("LATA")

### Part 4 – Registration of land

#### Division 3 – Plans of subdivision

Entity power given to	Section of LATA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Registered Owner	50(1)(b)(i)	Power to include a statement agreeing to the plan and dedicating the public use land.	Delegation of this power to be made on a case-by-case basis only.			

#### Division 3A – Dedication of road by notice

Entity power given to	Section of LATA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Registered Owner	54(1)	Power to sign and lodge for registration a dedication notice.	Delegation of this power to be made on a case-by-case basis only.			

### Part 6 – Dealings directly affecting lots

#### Division 1 – Transfers

Entity power given to	Section of LATA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	60(1)	Power to sign and lodge for registration an instrument of transfer for a lot or interest.	Delegation of this power to be made			For Torres Strait Islander Freehold and Deed of Grant

			on a case-by-case basis only.			in Trust land, a Trustee resolution is required. Where a development permit is required, a local government resolution is also required.
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## Division 2 – Leases

Entity power given to	Section of LATA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	64	Power to sign and lodge for registration an instrument of lease for a lot or part of a lot.	Delegation of this power to be made on a case-by-case basis only.			For Torres Strait Islander Freehold and Deed of Grant in Trust land, a Trustee resolution is required. Where a development permit is required, a local government resolution is also required.
Local Government	67(1)	Power to sign and lodge an instrument of amendment of the lease.	Delegation of this power to be made on a case-by-case basis only.			For Torres Strait Islander Freehold and Deed of Grant in Trust land, a Trustee resolution is required. Where a development permit is required, a local government resolution is also required.

Lessor	68(1)	Power to sign and lodge a request for the registrar to register the re-entry.	Delegation of this power to be made on a case-by-case basis only.			
Lessor or Lessee	69(1)	Power to execute and lodge for registration an instrument of surrender.	Delegation of this power to be made on a case-by-case basis only.			

#### Division 4 – Easements

Entity power given to	Section of LATA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	82(1)	Power to sign and lodge for registration an instrument of easement.	Delegation of this power to be made on a case-by-case basis only.			
Registered Owner / Lessee / Person entitled to land / Public Utility Provider	83(1)(b)	Power to sign an instrument of easement.	Delegation of this power to be made on a case-by-case basis only.			
Local Government	83(2)(b)	In certain circumstances, power to approve a plan of survey.	Delegation of this power to be made on a case-by-case basis only.			
Registered Owner	87(a)	Power to ask the registrar to extinguish the easement.	Delegation of this power to be made on a case-by-case basis only.			

Local government	90(1)	Power to sign and lodge for registration an instrument of surrender of an easement.	Delegation of this power to be made on a case-by-case basis only.			
Local Government	91(1)	Power to sign and lodge for registration an instrument of amendment of the easement.	Delegation of this power to be made on a case-by-case basis only.			

**Division 4AA – High-density development easements**

Entity power given to	Section of LATA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Owner of the benefitted lot	95(7)(c)	Power to give written consent to an owner of a burdened lot to remove, change or otherwise interfere with any support.	N/A			
Owner of the benefitted lot	96A(5)	Power to provide written consent to an owner of a burdened lot to remove, change or otherwise interfere with any projection.	N/A			
Owner of the benefitted lot	96C(6)	Power to provide written consent to an owner of a burdened lot to: (a) remove, change or otherwise interfere with the roof water drainage structure; or (b) obstruct or otherwise interfere with the flow of water through the structure.	N/A			

#### Division 4A – Covenants

Entity power given to	Section of LATA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	97A(1)	Power to sign and lodge for registration an instrument of covenant.	Delegation of this power to be made on a case-by-case basis only.			
Local Government	97C(1)	Power to sign and lodge for registration an instrument of amendment of the covenant.	Delegation of this power to be made on a case-by-case basis only.			
Local Government	97D(1)	Power to sign and lodge for registration an instrument releasing a covenant.	Delegation of this power to be made on a case-by-case basis only.			

#### Division 4B – Profits a prendre

Entity power given to	Section of LATA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	97E	Power to sign and lodge for registration an instrument of profit a prendre.	Delegation of this power to be made on a case-by-case basis only.			
Local Government	97K(1)	Power to sign and lodge for registration an instrument of amendment of the profit a prendre.	Delegation of this power to be made on a case-by-case basis only.			

## Division 4C – Carbon abatement interests

### Subdivision 2 – Creation and registration

Entity power given to	Section of LATA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	97O(1)(a)	Power to sign and lodge for registration an instrument of carbon abatement interest.	Delegation of this power to be made on a case-by-case basis only.			
Holders of the registered interests in the land	97P(c)	Power to consent to the proposed grant of a carbon abatement interest.	Delegation of this power to be made on a case-by-case basis only.			

### Subdivision 3 – Amendments and dealings

Entity power given to	Section of LATA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	97S(1)	Power to sign and lodge for registration an instrument of amendment of a carbon abatement interest.	Delegation of this power to be made on a case-by-case basis only.			

## Division 5 – Application by adverse possessor

Entity power given to	Section of LATA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person who claims an interest in the lot	104	Power to sign and lodge a caveat.	Delegation of this power to be made on a case-by-case basis only.			

Caveator	105(2)	Power to: (a) start a proceeding in the Supreme Court to recover the lot; and (b) give written notice to the registrar, in the way the registrar requires, that the proceeding has started.	Delegation of this power to be made on a case-by-case basis only.			
Caveator	106	Power to seek leave of the Supreme Court to lodge a further caveat.	Delegation of this power to be made on a case-by-case basis only.			
Caveator	107(2)	Power to start a proceeding in the Supreme Court to recover a lot.	Delegation of this power to be made on a case-by-case basis only.			
Applicant	108A(2)	Power to sign a plan of subdivision.	Delegation of this power to be made on a case-by-case basis only.			

## Part 7 – Other dealings

### Division 1 – Writs of execution

Entity power given to	Section of LATA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	116	Power to sign and lodge a request to register a writ of execution.	Delegation of this power to be made on a case-by-case basis only.			

## Division 2 – Caveats

Entity power given to	Section of LATA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Caveator	121(1)	Power to sign a caveat.	23 February 2021; Trustee resolution 8 December 2020			Subject to consultation with Mayor
A person mentioned in s. 122(1)	122(1)	Power to lodge for registration a caveat.	23 February 2021; Trustee resolution 8 December 2020			Subject to consultation with Mayor
Caveator	124(2)(b)	Power to consent to the registration of an instrument.	23 February 2021; Trustee resolution 8 December 2020			Subject to consultation with Mayor
Caveator	125	Power to sign and lodge for registration a request to withdraw a caveat.	23 February 2021; Trustee resolution 8 December 2020			Subject to consultation with Mayor
Caveatee	126(2)	Power to serve a notice requiring the caveator to start a proceeding in a Court of competent jurisdiction to establish the interest claimed under the caveat.	23 February 2021; Trustee resolution 8 December 2020			Subject to consultation with Mayor
Caveator	126(4)	Power to start a proceeding and notify the registrar in the way described in section 126(4).	23 February 2021; Trustee resolution 8 December 2020			Subject to consultation with Mayor
Caveatee	127(1)	Power to apply to the Supreme Court for an order that a caveat be removed.	23 February 2021; Trustee resolution 8 December 2020			Subject to consultation with Mayor
Caveator or Caveatee	128(1)	Power to sign and lodge for registration a request to cancel a caveat.	23 February 2021; Trustee resolution 8 December 2020			Subject to consultation with Mayor

**Part 7A – Priority notices**

Entity power given to	Section of LATA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person	139(1)	Power to deposit a priority notice.	23 February 2021; Trustee resolution 8 December 2020			Subject to consultation with Mayor
Person	139(2)	Power to sign a priority notice.	23 February 2021; Trustee resolution 8 December 2020			Subject to consultation with Mayor
Person	141(1)	Power to deposit an extension request	23 February 2021; Trustee resolution 8 December 2020			Subject to consultation with Mayor
Person	141(2)	Power to sign and extension request	23 February 2021; Trustee resolution 8 December 2020			Subject to consultation with Mayor
Person	143(1)	Power to deposit a request to withdraw a priority notice.	23 February 2021; Trustee resolution 8 December 2020			Subject to consultation with Mayor
Person	143(2)	Power to sign a request to withdraw a priority notice.	23 February 2021; Trustee resolution 8 December 2020			Subject to consultation with Mayor
An affected person	144(1)	Power to apply to the Supreme Court for an order that a priority notice be removed.	23 February 2021; Trustee resolution 8 December 2020			Subject to consultation with Mayor
Person	145(1)(a)	Power to deposit a request to cancel a priority notice.	23 February 2021; Trustee resolution 8 December 2020			Subject to consultation with Mayor
Person	149(1)	Power to deposit a request to correct a priority notice.	23 February 2021; Trustee resolution 8 December 2020			Subject to consultation with Mayor

**Part 8 – Instruments**

**Division 2 – Standard terms documents forming  
part of instruments**

Entity power given to	Section of LATA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	169(1)	Power to lodge a standard terms document and lodge a further standard terms document amending the standard terms document.	N/A			
Local Government	172(1)	Power to ask the registrar to withdraw a registered standard terms document.	N/A			

[2019 03 29 - LATA - Delegation Table]

# INSTRUMENT OF SUB-DELEGATION

**Torres Strait Island Regional Council**  
***Land Title Act 1994 ("LATA")***

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 \_\_\_\_\_, 2020.

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

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

## POWERS SUB-DELEGATED

### *Land Title Act 1994 ("LATA")*

#### Part 4 – Registration of land

##### Division 3 – Plans of subdivision

Entity power given to	Section of LATA	Description
Registered Owner	50(1)(b)(i)	Power to include a statement agreeing to the plan and dedicating the public use land.

##### Division 3A – Dedication of road by notice

Entity power given to	Section of LATA	Description
Registered Owner	54(1)	Power to sign and lodge for registration a dedication notice.

#### Part 6 – Dealings directly affecting lots

##### Division 1 – Transfers

Entity power given to	Section of LATA	Description
Local Government	60(1)	Power to sign and lodge for registration an instrument of transfer for a lot or interest.

##### Division 2 – Leases

Entity power given to	Section of LATA	Description
Local Government	64	Power to sign and lodge for registration an instrument of lease for a lot or part of a lot.
Local Government	67(1)	Power to sign and lodge an instrument of amendment of the lease.
Lessor	68(1)	Power to sign and lodge a request for the registrar to register the re-entry.
Lessor or Lessee	69(1)	Power to execute and lodge for registration an instrument of surrender.

##### Division 4 – Easements

Entity power given to	Section of LATA	Description
Local Government	82(1)	Power to sign and lodge for registration an instrument of easement.
Registered Owner / Lessee / Person entitled to land / Public Utility Provider	83(1)(b)	Power to sign an instrument of easement.

Local Government	83(2)(b)	In certain circumstances, power to approve a plan of survey.
Registered Owner	87(a)	Power to ask the registrar to extinguish the easement.
Local government	90(1)	Power to sign and lodge for registration an instrument of surrender of an easement.
Local Government	91(1)	Power to sign and lodge for registration an instrument of amendment of the easement.

#### **Division 4AA – High-density development easements**

<b>Entity power given to</b>	<b>Section of LATA</b>	<b>Description</b>
Owner of the benefitted lot	95(7)(c)	Power to give written consent to an owner of a burdened lot to remove, change or otherwise interfere with any support.
Owner of the benefitted lot	96A(5)	Power to provide written consent to an owner of a burdened lot to remove, change or otherwise interfere with any projection.
Owner of the benefitted lot	96C(6)	Power to provide written consent to an owner of a burdened lot to: (a) remove, change or otherwise interfere with the roof water drainage structure; or (b) obstruct or otherwise interfere with the flow of water through the structure.

#### **Division 4A – Covenants**

<b>Entity power given to</b>	<b>Section of LATA</b>	<b>Description</b>
Local Government	97A(1)	Power to sign and lodge for registration an instrument of covenant.
Local Government	97C(1)	Power to sign and lodge for registration an instrument of amendment of the covenant.
Local Government	97D(1)	Power to sign and lodge for registration an instrument releasing a covenant.

#### **Division 4B – Profits a prendre**

<b>Entity power given to</b>	<b>Section of LATA</b>	<b>Description</b>
Local Government	97E	Power to sign and lodge for registration an instrument of profit a prendre.
Local Government	97K(1)	Power to sign and lodge for registration an instrument of amendment of the profit a prendre.

#### **Division 4C – Carbon abatement interests**

##### ***Subdivision 2 – Creation and registration***

<b>Entity power given to</b>	<b>Section of LATA</b>	<b>Description</b>
Local Government	97O(1)(a)	Power to sign and lodge for registration an instrument of carbon abatement interest.
Holders of the registered interests in the land	97P(c)	Power to consent to the proposed grant of a carbon abatement interest.

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**Subdivision 3 – Amendments and dealings**

Entity power given to	Section of LATA	Description
Local Government	97S(1)	Power to sign and lodge for registration an instrument of amendment of a carbon abatement interest.

**Division 5 – Application by adverse possessor**

Entity power given to	Section of LATA	Description
Person who claims an interest in the lot	104	Power to sign and lodge a caveat.
Caveator	105(2)	Power to: (a) start a proceeding in the Supreme Court to recover the lot; and (b) give written notice to the registrar, in the way the registrar requires, that the proceeding has started.
Caveator	106	Power to seek leave of the Supreme Court to lodge a further caveat.
Caveator	107(2)	Power to start a proceeding in the Supreme Court to recover a lot.
Applicant	108A(2)	Power to sign a plan of subdivision.

**Part 7 – Other dealings****Division 1 – Writs of execution**

Entity power given to	Section of LATA	Description
Local Government	116	Power to sign and lodge a request to register a writ of execution.

**Division 2 – Caveats**

Entity power given to	Section of LATA	Description
Caveator	121(1)	Power to sign a caveat.
A person mentioned in s. 122(1)	122(1)	Power to lodge for registration a caveat.
Caveator	124(2)(b)	Power to consent to the registration of an instrument.
Caveator	125	Power to sign and lodge for registration a request to withdraw a caveat.
Caveatee	126(2)	Power to serve a notice requiring the caveator to start a proceeding in a Court of competent jurisdiction to establish the interest claimed under the caveat.
Caveator	126(4)	Power to start a proceeding and notify the registrar in the way described in section 126(4).
Caveatee	127(1)	Power to apply to the Supreme Court for an order that a caveat be removed.
Caveator or Caveatee	128(1)	Power to sign and lodge for registration a request to cancel a caveat.

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**Part 7A – Priority notices**

Entity power given to	Section of LATA	Description
Person	139(1)	Power to deposit a priority notice.
Person	139(2)	Power to sign a priority notice.
Person	141(1)	Power to deposit an extension request
Person	141(2)	Power to sign and extension request
Person	143(1)	Power to deposit a request to withdraw a priority notice.
Person	143(2)	Power to sign a request to withdraw a priority notice.
An affected person	144(1)	Power to apply to the Supreme Court for an order that a priority notice be removed.
Person	145(1)(a)	Power to deposit a request to cancel a priority notice.
Person	149(1)	Power to deposit a request to correct a priority notice.

**Part 8 – Instruments****Division 2 – Standard terms documents forming part of instruments**

Entity power given to	Section of LATA	Description
Local Government	169(1)	Power to lodge a standard terms document and lodge a further standard terms document amending the standard terms document.
Local Government	172(1)	Power to ask the registrar to withdraw a registered standard terms document.

## **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 03 29 - LATA - Sub-Delegation Instrument]

### **Conditions imposed on all Delegations**

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

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

# **INSTRUMENT OF DELEGATION**

## **Torres Strait Island Regional Council** ***Liquor Act 1992 ("LIQA")***

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.

***Liquor Act 1992 ("LIQA")*****Part 5 – Grant, variation and transfer of licences and permits and related matters****Division 1 – Applications**

Entity power given to	Section of LIQA	Description
Local Government	105B(1)	Power to consent to an application for an adult entertainment permit.
Local Government	105B(4)	Power to abstain from consenting to the application for an adult entertainment permit.
Local Government	117(2)	In the specified circumstances, the power to: <ul style="list-style-type: none"> <li>(a) comment on the reasonable requirements of the public in the locality; or</li> <li>(b) object to the grant of an application on the grounds that the amenity, quiet or good order of the locality would be lessened.</li> </ul>
Local Government	117A(2)	In the specified circumstances, the power to comment on, or object to, an application by given written comments or objections to the Chief Executive within 28 days after receiving the chief executive's advice about the application.

**Part 6 – Obligatory provisions and offences****Division 4 – Provisions concerning consumption of liquor in certain public places**

Entity power given to	Section of LIQA	Description
Local Government	173C(1)	Power to designate a public place mentioned in section 173B(1)(a) of the <i>Liquor Act 1992</i> that is in Council's area as a public place where liquor may be consumed.
Local Government	173C(2)	Power to specify the period or times during which the designation is to have effect.
Local Government	173D(6)	In the specified circumstances, the power to provide written approval for the use of a public place mentioned in section 173D(5) of the <i>Liquor Act 1992</i> .
Local Government	173E(1)	Power to repeal or amend a designation under section 173C of the <i>Liquor Act 1992</i> .
Local Government	173N(4)	Power to give the Queensland Police a written notice of suspension of designation of a public place in a restricted area.

**Part 6AB –****Safe night precincts****Division 3 – Provisions that apply when a safe  
night precinct has a local board**

<b>Entity power given to</b>	<b>Section of LIQA</b>	<b>Description</b>
Chief Executive Officer	173NH(2) (d)	Power to nominate an employee of the local government for the local government area as a member of a consultative committee for a safe night precinct.

## **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 01 - LIQA - 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 (section 9(3) LGA 2009); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
  - 
  - a. impact on land and/or sea; and/or
  - b. involve payment of compensation regarding land; and/or
  - c. require a budget amendment.

## DELEGABLE POWERS UNDER THE LIQUOR ACT 1992 ("LIQA")

### Part 5 – Grant, variation and transfer of licences and permits and related matters

#### Division 1 – Applications

Entity power given to	Section of LIQA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	105B(1)	Power to consent to an application for an adult entertainment permit.	23 February 2021			Subject to consultation with Divisional Councillor.
Local Government	105B(4)	Power to abstain from consenting to the application for an adult entertainment permit.	23 February 2021			Subject to consultation with Divisional Councillor.
Local Government	117(2)	In the specified circumstances, the power to: (a) comment on the reasonable requirements of the public in the locality; or (b) object to the grant of an application on the grounds that the amenity, quiet or good order of the locality would be lessened.	23 February 2021			Subject to consultation with Divisional Councillor.
Local Government	117A(2)	In the specified circumstances, the power to comment on, or object to, an application by given written comments or objections to the Chief Executive within 28 days after receiving the chief executive's advice about the application.	23 February 2021			Subject to consultation with Divisional Councillor.

**Part 6 – Obligatory provisions and offences**

**Division 4 – Provisions concerning consumption of liquor in certain public places**

Entity power given to	Section of LIQA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	173C(1)	Power to designate a public place mentioned in section 173B(1)(a) of the <i>Liquor Act 1992</i> that is in Council's area as a public place where liquor may be consumed.	23 February 2021			Subject to consultation with Divisional Councillor.
Local Government	173C(2)	Power to specify the period or times during which the designation is to have effect.	23 February 2021			Subject to consultation with Divisional Councillor.
Local Government	173D(6)	In the specified circumstances, the power to provide written approval for the use of a public place mentioned in section 173D(5) of the <i>Liquor Act 1992</i> .	23 February 2021			Subject to consultation with Divisional Councillor.
Local Government	173E(1)	Power to repeal or amend a designation under section 173C of the <i>Liquor Act 1992</i> .	23 February 2021			Subject to consultation with Divisional Councillor.
Local Government	173N(4)	Power to give the Queensland Police a written notice of suspension of designation of a public place in a restricted area.	23 February 2021			

**Part 6AB – Safe night precincts**

**Division 3 – Provisions that apply when a safe  
night precinct has a local board**

Entity power given to	Section of LIQA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Chief Executive Officer	173NH(2) (d)	Power to nominate an employee of the local government for the local government area as a member of a consultative committee for a safe night precinct.	Not required/CEO power			

[2019 04 01 - LIQA - Delegation Table]

## INSTRUMENT OF SUB-DELEGATION

**Torres Strait Island Regional Council**  
*Liquor Act 1992 ("LIQA")*

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**

## Schedule 1

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

## POWERS SUB-DELEGATED

### *Liquor Act 1992 ("LIQA")*

**Part 5 – Grant, variation and transfer of licences and permits and related matters**

**Division 1 – Applications**

Entity power given to	Section of LIQA	Description
Local Government	105B(1)	Power to consent to an application for an adult entertainment permit.
Local Government	105B(4)	Power to abstain from consenting to the application for an adult entertainment permit.
Local Government	117(2)	In the specified circumstances, the power to: <ul style="list-style-type: none"> <li>(a) comment on the reasonable requirements of the public in the locality; or</li> <li>(b) object to the grant of an application on the grounds that the amenity, quiet or good order of the locality would be lessened.</li> </ul>
Local Government	117A(2)	In the specified circumstances, the power to comment on, or object to, an application by given written comments or objections to the Chief Executive within 28 days after receiving the chief executive's advice about the application.

**Part 6 – Obligatory provisions and offences**

**Division 4 – Provisions concerning consumption of liquor in certain public places**

Entity power given to	Section of LIQA	Description
Local Government	173C(1)	Power to designate a public place mentioned in section 173B(1)(a) of the <i>Liquor Act 1992</i> that is in Council's area as a public place where liquor may be consumed.
Local Government	173C(2)	Power to specify the period or times during which the designation is to have effect.
Local Government	173D(6)	In the specified circumstances, the power to provide written approval for the use of a public place mentioned in section 173D(5) of the <i>Liquor Act 1992</i> .
Local Government	173E(1)	Power to repeal or amend a designation under section 173C of the <i>Liquor Act 1992</i> .
Local Government	173N(4)	Power to give the Queensland Police a written notice of suspension of designation of a public place in a restricted area.

**Part 6AB –****Safe night precincts****Division 3 – Provisions that apply when a safe  
night precinct has a local board**

Entity power given to	Section of LIQA	Description
Chief Executive Officer	173NH(2) (d)	Power to nominate an employee of the local government for the local government area as a member of a consultative committee for a safe night precinct.

## **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 01 - LIQA - 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 (section 9(3) LGA 2009); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
  - 
  - a. impact on land and/or sea; and/or
  - b. involve payment of compensation regarding land; and/or
  - c. require a budget amendment.

# **INSTRUMENT OF DELEGATION**

## **Torres Strait Island Regional Council** ***Local Government Act 2009 ("LOGA")***

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.

**Local Government Act 2009 ("LOGA")****CHAPTER 3 – THE BUSINESS OF LOCAL GOVERNMENT****Part 1 – Local laws****Division 2 – Making, recording and reviewing local laws**

Entity power given to	Section of LOGA	Description
Local Government	29(1)	Power to decide local government process for making a local law to the extent that the process is not inconsistent with this part.

**Division 5 – Miscellaneous**

Entity power given to	Section of LOGA	Description
Chief Executive Officer	38B(9)	Power to ask the police commissioner to give the chief executive officer information about noise abatement directions given to persons in the local government area.

**Part 3 – Roads and other infrastructure****Division 1 – Roads**

Entity power given to	Section of LOGA	Description
Local Government	61(1)	Power to give the owner of land the local government wants to acquire, a notice of intention to acquire land.
Local Government	61(5)	Power to give permission to an owner to erect, place, re-erect, replace or repair any structure or part of a structure on the land.
Local Government	62(6)	Power to reasonably require information to decide the claim.
Local Government	62(7)	In specified circumstances, power to give the claimant written notice of Council's decision on the claim.
Local Government	64(4)	Power to agree on compensation for the acquisition of the land.
Local Government	65(1)	Power to decide not to proceed with the realignment of a road or part of a road after giving a notice of intention to acquire land.
Local Government	65(3)	Power to serve notice of Council's decision on all owners of land who were served with the notice of intention to acquire land.
Local Government	65(4)(a)	Power to withdraw the notice of intention to acquire land.
Local Government	65(4)(b)	Power to lodge with the registrar of titles for registration a notice of Council's decision not to proceed with the realignment of the road, or part of the road.
Local Government	66(4)	Power to agree on an amount of compensation.
Local Government	67(1)	Power to acquire land that adjoins a road for use as a footpath.

Local Government	67(2)	In the specified circumstances, power to decide whether any of the rights specified in this subsection are appropriate.
Local Government	67(3)	Power to consider necessary structural alterations to the structure, room or cellar.
Local Government	68(4)	Power to object to the opening or closing of the road.
Local Government	69(1)	In certain circumstances, power to close a road.
Local Government	69(2)(a)	Power to close a road during a temporary obstruction to traffic.
Local Government	69(2)(b)	Power to close a road if it is in the interests of public safety.
Local Government	69(2)(c)	Power to decide that it is necessary or desirable to close a road for a temporary purpose in the circumstances specified.
Local Government	69(4)	Power to do everything necessary to stop traffic using the road after it is closed.
Local Government	69(5)	If a road is closed to traffic for a temporary purpose, power to permit the use of any part of the road on the conditions considered appropriate.
Local Government Employee or Contractor	70(3)	In the specified circumstances, power to: (a) make an agreement with the owner or occupier of the land; or (b) give the owner or occupier of the land at least 3 days written notice.
Local Government	70(4)	In the specified circumstances, power to give the owner or occupier of the land oral notice of the matters mentioned in subsection (3)(b).
Chief Executive Officer	70(6)(b)	Power to allow a later time for receipt of a claim for compensation.
Local Government	70(7)(a)	Power to make an agreement with a person for the amount of compensation.
Local Government	71(2)	Power to give the owner or occupier advice about the permanent level of the road.
Local Government	71(4)(a)	Power to make an agreement with the owner or occupier, or their successor in title, for the amount of compensation.
Local Government	72(1)(b)	Power to consider that the conduct of the activity is having, or will have, a significant adverse impact on a road in the local government area.
Local Government	72(2)	Power to require the entity which is conducting an activity to provide information, within a reasonable time, that will enable the local government to assess the impact of the activity on the road.
Local Government	72(3)	After assessing the impact of the activity on the road, power to do one or more of the following: (a) give the entity a direction about the use of the road to lessen the impact; (b) require the entity: (i) to carry out works to lessen the impact; or (ii) to pay an amount as compensation for the impact.
Local Government	74(2)	Power to consider appropriate particulars to be shown on the register of roads.
Local Government	75(2)	For the specified reasons, power to give written approval.

Local Government	75(4)	Power to decide the conditions of an approval under subsection (2).
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## **Division 2 – Stormwater drains**

<b>Entity power given to</b>	<b>Section of LOGA</b>	<b>Description</b>
Local Government	77(1)	Power to, by written notice, require the owner of a property to connect a stormwater installation for the property to the local government's stormwater drain in the way, under the conditions and within the time stated in the notice.
Local Government	77(3)(b)	Power to give approval for the connection to a local government stormwater drain.
Local Government	77(4)	Power to impose conditions on approval for the connection, including about the way the connection must be made.
Local Government	78(4)	Under the specified circumstances, power to, by written notice, require the owner of the property to perform the work stated in the notice, within the time stated in the notice.
Local Government	78(5)	For a notice provided in subsection (4), power to decide a time that is reasonable.
Local Government	79(4)(e)(i)	Power to approve the maximum temperature for a substance.

## **Part 4 – The business of indigenous local governments**

### **Division 2 – Managing trust land**

<b>Entity power given to</b>	<b>Section of LOGA</b>	<b>Description</b>
Trustee Council	85(6)	Power to give written notice of the reasons for the proposed decision to the community forum.

## **Part 5 – Caretaker period arrangements**

<b>Entity power given to</b>	<b>Section of LOGA</b>	<b>Description</b>
Local Government	90B(2)	Power to consider it is necessary to make a major policy decision in the public interest, and power to apply to the Minister for approval to make the decision.

## **CHAPTER 4 – FINANCES AND ACCOUNTABILITY**

### **Part 1 – Rates and charges**

<b>Entity power given to</b>	<b>Section of LOGA</b>	<b>Description</b>
Local Government	95(3)(a)	Power to sign and lodge for registration a request to register a charge over the land on behalf of the local government.
Chief Executive Officer	95(3)(b)	Power to sign a certificate that states there is a charge of the land for overdue rates and charges.
Chief Executive Officer	95(5)(b)	Power to sign a certificate that states the overdue rates and charges have been paid.

## CHAPTER 5 – MONITORING AND ENFORCING THE LOCAL GOVERNMENT ACTS

### Part 1 – Local governments

#### Division 3 – Remedial action by minister

Entity power given to	Section of LOGA	Description
Local Government	120(5)	Power to make submissions within the time specified in the notice.

### Part 2 – The public

#### Division 1 – Powers of authorised persons

##### *Subdivision 3 – Powers to enter property etc.*

Entity power given to	Section of LOGA	Description
Local Government	133(3)	Power to give, or make a reasonable attempt to give, the occupier of the property a written notice that informs the occupier of the following: (a) the intention to enter the property; (b) the reason for entering the property; (c) an estimation of when the property will be entered.
Local Government	133(4)	Power to give, or make a reasonable attempt to give, written notice to the occupier within a reasonable time before the property is to be entered.
Local Government	137(2)(a)	Power to agree on an amount of compensation for a person who has incurred damage or loss because of the exercise or purported exercise of a power under this division.

#### Division 2 – Powers of other persons

Entity power given to	Section of LOGA	Description
Local Government	138(4)	Power to authorise a local government worker.
Local Government	138AA(3)(b)	Power to give reasonable entry notice.
Local Government	140(1)(a)	Power to give a remedial notice to the owner of a property.
Owner / Owner's agent	140(2)	Power to enter property at the times stated in the reasonable entry notice and take the action that is required under the remedial notice.
Local Government	142(6)	In the specified circumstances, power to give the person who failed to take the action, written notice of the amount of the debt.
Local Government	143(1)	Power to form a belief that there is no reasonably practicable way of obtaining materials other than by removing the materials from the relevant land.
Person	146(1)	Power to enter the property in accordance with a Court order made under this section.
Person	146(2)	Power to apply to a Magistrate for a Court order.
Local Government	147(3)(a)	Power to agree on an amount of compensation for a person who has incurred damage or loss because of the exercise or purported exercise of a power under this division.

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**Part 3 – Investigation of local government records****Division 3 – Investigations by local government**

Entity power given to	Section of LOGA	Description
Chief Executive Officer	148F(2)	Power to make all inquiries the Chief Executive Officer considers to be reasonable to find out whether and to what extent the register or record is incorrect/power to direct an authorised person to make such enquiries.
Chief Executive Officer	148G(2)	Power to, in the circumstances in subsection (1) require a person to give information or produce a document, or direct an authorised person to require a person to give information or produce a document.

**CHAPTER 5A – COUNCILLOR CONDUCT****Part 3 – Dealing with inappropriate conduct, misconduct and corrupt conduct****Division 2 – Complaints about councillor conduct**

Entity power given to	Section of LOGA	Description
Local Government	150P	In the specified circumstances, the power to refer a complaint to the assessor and to give the assessor all information held by the entity that relates to the complaint.

**Division 3 – Local government duties to notify assessor about particular councillor conduct**

Entity power given to	Section of LOGA	Description
Local Government	150S(2)	In the specified circumstances, the power to give the assessor a notice about the councillor's conduct and all information held by the local government that relates to the conduct.

**Division 5 – Referral of conduct to local government**

Entity power given to	Section of LOGA	Description
Local Government	150AF(1)	In the specified circumstances, the power to investigate the conduct of the councillor.
Local Government	150AF(4)	In the specified circumstances, the power to give information to the assessor for further investigation and take no further action in relation to the conduct.

**Division 6 – Application to conduct tribunal about misconduct and connected inappropriate conduct**

Entity power given to	Section of LOGA	Description
Local Government	150AK(3)	In the specified circumstances, the power to give to the councillor a copy of the application.

**Part 4 – Investigation and enforcement powers**  
**Division 2 – Entry of place by investigators**  
***Subdivision 1 – Power to enter***

Entity power given to	Section of LOGA	Description
Occupier at a place	150BI(1)(a)	In the specified circumstances, the power to consent to the entry of an investigator to a place.

***Subdivision 2 – Entry by consent***

Entity power given to	Section of LOGA	Description
Occupier at a place	150BM(1)	In the specified circumstances, the power to sign an acknowledge of the consent to allow an investigator entry to a place.

**Division 3 – General powers of investigators after entering places**

Entity power given to	Section of LOGA	Description
Occupier at a place	150BV(1)	In the specified circumstances, the power to provide reasonable help to an investigator to exercise a general power.

**Division 4 – Seizure by investigators**

***Subdivision 3 – Safeguards for seized things***

Entity power given to	Section of LOGA	Description
Owner of seized thing	150CD(1)	In the specified circumstances, the power to inspect the seized thing, and if it is a document, copy the document.
Owner of seized thing	150CE(3)	In the specified circumstances, the power to apply to the assessor for return of the seized thing.

**Division 7 – Review**

***Subdivision 1 – Internal review***

Entity power given to	Section of LOGA	Description
Owner of seized thing	150CO(2)	In the specified circumstances, the power to apply to the assessor for a review of the decision.

***Subdivision 2 – External review***

Entity power given to	Section of LOGA	Description
Applicant of a Review Decision	150CR	In the specified circumstances, the power to apply to QCAT for a review of the review decision.

**Part 5 –****Administration****Division 2 – Councillor conduct tribunal**

Entity power given to	Section of LOGA	Description
Local Government	150DL(1)(a)	In the specified circumstances, the power to request the conduct tribunal to: (a) Investigate the suspected inappropriate conduct of a councillor; (b) to make recommendations to the local government about dealing with the conduct.

**Part 6 –****Miscellaneous****Division 1 – Councillor conduct register**

Entity power given to	Section of LOGA	Description
Local Government	150DX(1)	The power to keep an up-to-date register about the specified matters.
Local Government	150DX(2)(a)	The power to publish the register on the local governments website.
Local Government	150DX(2)(b)	The power to make the register publicly available for inspection and to sell copies of an entry in the register, at the local government's public office.

**CHAPTER 6 – ADMINISTRATION****Part 2 –****Councillors****Division 3 – Vacancies in councillor's office**

Entity power given to	Section of LOGA	Description
Local Government	162(1)(d)(ii)	In the specified circumstances, power to give leave to a councillor.
Chief Executive Officer	166(6)	In the specified circumstances, power to request the political party to advise the full name and address of its nominee.
Chief Executive Officer	166(8)	Power to, within 14 days after the office become vacant, invite nominations.

**Division 5 – Obligations of councillors**

Entity power given to	Section of LOGA	Description
Chief Executive Officer	170(4)(b)	Power to make available to the local government each direction mentioned under section 170(a).

### **Division 5A – Dealing with councillors' personal interests in local government matters**

<b>Entity power given to</b>	<b>Section of LOGA</b>	<b>Description</b>
Local Government	175C(3)	In the specified circumstances, power to delegate deciding a matter, unless deciding the matter cannot be delegated under section 257 of the LGA.
Local Government	175E(6)	In the specified circumstances, power to delegate deciding a matter, unless deciding the matter cannot be delegated under section 257 of the LGA.

### **Division 6 – Conduct and performance of councillors**

<b>Entity power given to</b>	<b>Section of LOGA</b>	<b>Description</b>
Entity dealing with the complaint under this division	176A(2)	In the specified circumstances, the power to decided not to take any further action in relation to a complaint about the conduct of a person who is no longer a councillor in the prescribed circumstances.
Entity dealing with the complaint under this division	176A(3)	In the specified circumstances, the power to give to an entity that made the complaint, and the accused person, a written notice that states: (a) no further action will be taken in relation to the complaint; and (b) the reasons for the decision.

## **Part 5 – Local government employees**

### **Division 3 – Common provisions**

<b>Entity power given to</b>	<b>Section of LOGA</b>	<b>Description</b>
Local Government	198(2)	Power to make an agreement with other local governments that an employee may be employed by more than one local government.

## **CHAPTER 7 – OTHER PROVISIONS**

### **Part 2 – Superannuation**

#### **Division 3 – Superannuation contributions for particular employees**

<b>Entity power given to</b>	<b>Section of LOGA</b>	<b>Description</b>
Local Government	221(2)(a)	Power to make an agreement with an employee that it is exempt, on the grounds of the employee's financial hardship, from paying all or a stated part of the contributions payable under section 220A(2) by the employee.

### **Part 4 – Legal provisions**

<b>Entity power given to</b>	<b>Section of LOGA</b>	<b>Description</b>
Local Government	236(1)	The power to sign a document on behalf of a local government.

Local Government	240(1)	Power to authorise in writing another employee, other than the chief executive officer, to: (a) give instructions and act as the authorised agent for the local government; and (b) sign all documents for the local government.
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**Part 6 – Other provisions**

Entity power given to	Section of LOGA	Description
Local Government	262(2)	In the specified circumstances, power to do anything that is necessary or convenient for performing the responsibilities.
Chief Executive Officer	265A(1)(b)	Power to authorise an employee of a local government to conduct searches of registers or documents about the land in the land registry.
Local Government	268A	The power to decide the way in which a local government will conduct a voluntary poll of electors in its area.

**Part 12 – Traditional provisions for the Local Government (Councillor Complaints) and Other Legislation Amendment Act 2018**

Entity power given to	Section of LOGA	Description
Entity Holding Information	317(3)	In the specified circumstances, power to give information to the assessor.
Entity Holding Information	319(3)	In the specified circumstances, power to give information to the assessor.

## **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 11 18 - LOGA - 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 (section 9(3) LGA 2009); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
  - 
  - a. impact on land and/or sea; and/or
  - b. involve payment of compensation regarding land; and/or
  - c. require a budget amendment.

# DELEGABLE POWERS UNDER THE LOCAL GOVERNMENT ACT 2009 ("LOGA")

## CHAPTER 3 – THE BUSINESS OF LOCAL GOVERNMENT

### Part 1 – Local laws

#### Division 2 – Making, recording and reviewing local laws

Entity power given to	Section of LOGA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	29(1)	Power to decide local government process for making a local law to the extent that the process is not inconsistent with this part.	N/A			

#### Division 5 – Miscellaneous

Entity power given to	Section of LOGA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Chief Executive Officer	38B(9)	Power to ask the police commissioner to give the chief executive officer information about noise abatement directions given to persons in the local government area.	This power does not need to be delegated as it is given directly to the CEO under the Act.			

**Part 3 – Roads and other infrastructure**

**Division 1 – Roads**

Entity power given to	Section of LOGA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	61(1)	Power to give the owner of land the local government wants to acquire, a notice of intention to acquire land.	23 February 2021			Subject to consultation with the Divisional Councillor.
Local Government	61(5)	Power to give permission to an owner to erect, place, re-erect, replace or repair any structure or part of a structure on the land.	23 February 2021			Subject to consultation with the Divisional Councillor.
Local Government	62(6)	Power to reasonably require information to decide the claim.	23 February 2021			
Local Government	62(7)	In specified circumstances, power to give the claimant written notice of Council's decision on the claim.	23 February 2021			
Local Government	64(4)	Power to agree on compensation for the acquisition of the land.	N/A			
Local Government	65(1)	Power to decide not to proceed with the realignment of a road or part of a road after giving a notice of intention to acquire land.	N/A			
Local Government	65(3)	Power to serve notice of Council's decision on all owners of land who were served with the notice of intention to acquire land.	23 February 2021			
Local Government	65(4)(a)	Power to withdraw the notice of intention to acquire land.	23 February 2021			
Local Government	65(4)(b)	Power to lodge with the registrar of titles for registration a notice of Council's decision not to proceed with the realignment of the road, or part of the road.	23 February 2021			

Local Government	66(4)	Power to agree on an amount of compensation.	N/A			
Local Government	67(1)	Power to acquire land that adjoins a road for use as a footpath.	N/A			
Local Government	67(2)	In the specified circumstances, power to decide whether any of the rights specified in this subsection are appropriate.	23 February 2021			
Local Government	67(3)	Power to consider necessary structural alterations to the structure, room or cellar.	23 February 2021			
Local Government	68(4)	Power to object to the opening or closing of the road.	23 February 2021			Subject to consultation with the Divisional Councillor.
Local Government	69(1)	In certain circumstances, power to close a road.	23 February 2021			Subject to consultation with the Divisional Councillor.
Local Government	69(2)(a)	Power to close a road during a temporary obstruction to traffic.	23 February 2021			Subject to consultation with the Divisional Councillor.
Local Government	69(2)(b)	Power to close a road if it is in the interests of public safety.	23 February 2021			Subject to consultation with the Divisional Councillor.
Local Government	69(2)(c)	Power to decide that it is necessary or desirable to close a road for a temporary purpose in the circumstances specified.	23 February 2021			Subject to consultation with the Divisional Councillor.
Local Government	69(4)	Power to do everything necessary to stop traffic using the road after it is closed.	23 February 2021			
Local Government	69(5)	If a road is closed to traffic for a temporary purpose, power to permit the use of any part	23 February 2021			

		of the road on the conditions considered appropriate.				
Local Government Employee or Contractor	70(3)	In the specified circumstances, power to: (a) make an agreement with the owner or occupier of the land; or (b) give the owner or occupier of the land at least 3 days written notice.	23 February 2021			
Local Government	70(4)	In the specified circumstances, power to give the owner or occupier of the land oral notice of the matters mentioned in subsection (3)(b).	23 February 2021			
Chief Executive Officer	70(6)(b)	Power to allow a later time for receipt of a claim for compensation.	This power does not need to be delegated as it is given directly to the CEO under the Act.			
Local Government	70(7)(a)	Power to make an agreement with a person for the amount of compensation.	N/A			
Local Government	71(2)	Power to give the owner or occupier advice about the permanent level of the road.	23 February 2021			
Local Government	71(4)(a)	Power to make an agreement with the owner of occupier, or their successor in title, for the amount of compensation.	N/A			
Local Government	72(1)(b)	Power to consider that the conduct of the activity is having, or will have, a significant adverse impact on a road in the local government area.	23 February 2021			
Local Government	72(2)	Power to require the entity which is conducting an activity to provide information, within a reasonable time, that will enable the local government to assess the impact of the activity on the road.	23 February 2021			

Local Government	72(3)	After assessing the impact of the activity on the road, power to do one or more of the following: (a) give the entity a direction about the use of the road to lessen the impact; (b) require the entity: (i) to carry out works to lessen the impact; or (ii) to pay an amount as compensation for the impact.	23 February 2021			
Local Government	74(2)	Power to consider appropriate particulars to be shown on the register of roads.	23 February 2021			
Local Government	75(2)	For the specified reasons, power to give written approval to carry out works on a road or interference with a road or its operation subject to conditions.	23 February 2021			Subject to consultation with the Divisional Councillor.
Local Government	75(4)	Power to decide the conditions of an approval under subsection (2).	23 February 2021			

### Division 2 – Stormwater drains

Entity power given to	Section of LOGA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	77(1)	Power to, by written notice, require the owner of a property to connect a stormwater installation for the property to the local government's stormwater drain in the way, under the conditions and within the time stated in the notice.	23 February 2021			
Local Government	77(3)(b)	Power to give approval for the connection to a local government stormwater drain.	23 February 2021			

Local Government	77(4)	Power to impose conditions on approval for the connection, including about the way the connection must be made.	23 February 2021			
Local Government	78(4)	Under the specified circumstances, power to, by written notice, require the owner of the property to perform the work stated in the notice, within the time stated in the notice.	23 February 2021			
Local Government	78(5)	For a notice provided in subsection (4), power to decide a time that is reasonable.	23 February 2021			
Local Government	79(4)(e)(i)	Power to approve the maximum temperature for a substance.	23 February 2021			

#### **Part 4 – The business of indigenous local governments**

##### **Division 2 – Managing trust land**

<b>Entity power given to</b>	<b>Section of LOGA</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>
Trustee Council	85(6)	Power to give written notice of the reasons for the proposed decision to the community forum.	N/A – TSIRC currently has no community forums			

#### **Part 5 – Caretaker period arrangements**

<b>Entity power given to</b>	<b>Section of LOGA</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	90B(2)	Power to consider it is necessary to make a major policy decision in the public interest, and power to apply to the Minister for approval to make the decision.	23 February 2021			

## CHAPTER 4 – FINANCES AND ACCOUNTABILITY

### Part 1 – Rates and charges

Entity power given to	Section of LOGA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	95(3)(a)	Power to sign and lodge for registration a request to register a charge over the land on behalf of the local government.	N/A – no charges registrable. Delegation of this power to be made on a case-by-case basis only.			
Chief Executive Officer	95(3)(b)	Power to sign a certificate that states there is a charge of the land for overdue rates and charges.	This power does not need to be delegated as it is given directly to the CEO under the Act.			
Chief Executive Officer	95(5)(b)	Power to sign a certificate that states the overdue rates and charges have been paid.	This power does not need to be delegated as it is given directly to the CEO under the Act.			

## CHAPTER 5 – MONITORING AND ENFORCING THE LOCAL GOVERNMENT ACTS

### Part 1 – Local governments

#### Division 3 – Remedial action by minister

Entity power given to	Section of LOGA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	120(5)	Power to make submissions within the time specified in the notice.	23 February 2021			

### Part 2 – The public

#### Division 1 – Powers of authorised persons

##### *Subdivision 3 – Powers to enter property etc.*

Entity power given to	Section of LOGA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	133(3)	Power to give, or make a reasonable attempt to give, the occupier of the property a written notice that informs the occupier of the following: (a) the intention to enter the property; (b) the reason for entering the property; (c) an estimation of when the property will be entered.	23 February 2021			
Local Government	133(4)	Power to give, or make a reasonable attempt to give, written notice to the occupier within a reasonable time before the property is to be entered.	23 February 2021			
Local Government	137(2)(a)	Power to agree on an amount of compensation for a person who has incurred	N/A			

		damage or loss because of the exercise or purported exercise of a power under this division.				
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## Division 2 – Powers of other persons

Entity power given to	Section of LOGA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	138(4)	Power to authorise a local government worker.	23 February 2021			
Local Government	138AA(3)(b)	Power to give reasonable entry notice.	23 February 2021			
Local Government	140(1)(a)	Power to give a remedial notice to the owner of a property.	23 February 2021			
Owner / Owner's agent	140(2)	Power to enter property at the times stated in the reasonable entry notice and take the action that is required under the remedial notice.	23 February 2021			
Local Government	142(6)	In the specified circumstances, power to give the person who failed to take the action, written notice of the amount of the debt.	23 February 2021			
Local Government	143(1)	Power to form a belief that there is no reasonably practicable way of obtaining materials other than by removing the materials from the relevant land.	23 February 2021			
Person	146(1)	Power to enter the property in accordance with a Court order made under this section.	23 February 2021			
Person	146(2)	Power to apply to a Magistrate for a Court order.	23 February 2021			
Local Government	147(3)(a)	Power to agree on an amount of compensation for a person who has incurred damage or loss because of the exercise or	N/A			

		purported exercise of a power under this division.				
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### Part 3 – Investigation of local government records

#### Division 3 – Investigations by local government

Entity power given to	Section of LOGA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Chief Executive Officer	148F(2)	Power to make all inquiries the Chief Executive Officer considers to be reasonable to find out whether and to what extent the register or record is incorrect/power to direct an authorised person to make such enquiries.	This power does not need to be delegated as it is given directly to the CEO under the Act.			
Chief Executive Officer	148G(2)	Power to, in the circumstances in subsection (1) require a person to give information or produce a document, or direct an authorised person to require a person to give information or produce a document.	This power does not need to be delegated as it is given directly to the CEO under the Act.			

## CHAPTER 5A – COUNCILLOR CONDUCT

### Part 3 – Dealing with inappropriate conduct, misconduct and corrupt conduct

#### Division 2 – Complaints about councillor conduct

Entity power given to	Section of LOGA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	150P	In the specified circumstances, the power to refer a complaint to the assessor and to give the assessor all information held by the entity that relates to the complaint.	23 February 2021			

**Division 3 – Local government duties to notify assessor about particular councillor conduct**

Entity power given to	Section of LOGA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	150S(2)	In the specified circumstances, the power to give the assessor a notice about the councillor's conduct and all information held by the local government that relates to the conduct.	23 February 2021			

**Division 5 – Referral of conduct to local government**

Entity power given to	Section of LOGA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	150AF(1)	In the specified circumstances, the power to investigate the conduct of the councillor.	23 February 2021			
Local Government	150AF(4)	In the specified circumstances, the power to give information to the assessor for further investigation and take no further action in relation to the conduct.	23 February 2021			

**Division 6 – Application to conduct tribunal about misconduct and connected inappropriate conduct**

Entity power given to	Section of LOGA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	150AK(3)	In the specified circumstances, the power to give to the councillor a copy of the application.	23 February 2021			

**Part 4 – Investigation and enforcement powers**  
**Division 2 – Entry of place by investigators**  
***Subdivision 1 – Power to enter***

Entity power given to	Section of LOGA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Occupier at a place	150BI(1)(a)	In the specified circumstances, the power to consent to the entry of an investigator to a place.	23 February 2021			

***Subdivision 2 – Entry by consent***

Entity power given to	Section of LOGA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Occupier at a place	150BM(1)	In the specified circumstances, the power to sign an acknowledge of the consent to allow an investigator entry to a place.	23 February 2021			

**Division 3 – General powers of investigators after entering places**

Entity power given to	Section of LOGA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Occupier at a place	150BV(1)	In the specified circumstances, the power to provide reasonable help to an investigator to exercise a general power.	23 February 2021			

**Division 4 – Seizure by investigators*****Subdivision 3 – Safeguards for seized things***

Entity power given to	Section of LOGA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Owner of seized thing	150CD(1)	In the specified circumstances, the power to inspect the seized thing, and if it is a document, copy the document.	23 February 2021			
Owner of seized thing	150CE(3)	In the specified circumstances, the power to apply to the assessor for return of the seized thing.	23 February 2021			

**Division 7 – Review*****Subdivision 1 – Internal review***

Entity power given to	Section of LOGA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Owner of seized thing	150CO(2)	In the specified circumstances, the power to apply to the assessor for a review of the decision.	23 February 2021			

***Subdivision 2 – External review***

Entity power given to	Section of LOGA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Applicant of a Review Decision	150CR	In the specified circumstances, the power to apply to QCAT for a review of the review decision.	23 February 2021			

**Part 5 – Administration****Division 2 – Councillor conduct tribunal**

Entity power given to	Section of LOGA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	150DL(1)(a)	In the specified circumstances, the power to request the conduct tribunal to: (a) Investigate the suspected inappropriate conduct of a councillor; (b) to make recommendations to the local government about dealing with the conduct.	Delegation of this power to be made on a case-by-case basis only.	Sub-delegation of power not recommended		

**Part 6 – Miscellaneous****Division 1 – Councillor conduct register**

Entity power given to	Section of LOGA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	150DX(1)	The power to keep an up-to-date register about the specified matters.	23 February 2021			
Local Government	150DX(2)(a)	The power to publish the register on the local governments website.	23 February 2021			
Local Government	150DX(2)(b)	The power to make the register publicly available for inspection and to sell copies of an entry in the register, at the local government's public office.	23 February 2021			

## CHAPTER 6 – ADMINISTRATION

### Part 2 – Councillors

#### Division 3 – Vacancies in councillor's office

Entity power given to	Section of LOGA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	162(1)(e)(ii)	In the specified circumstances, power to give leave to a councillor.	N/A			
Chief Executive Officer	166(6)	In the specified circumstances, power to request the political party to advise the full name and address of its nominee.	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	166(8)	Power to, within 14 days after the office become vacant, invite nominations.	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.		

#### Division 5 – Obligations of councillors

Entity power given to	Section of LOGA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Chief Executive Officer	170(4)(b)	Power to make available to the local government each direction mentioned under section 170(a).	This power does not need to be delegated as it is given directly to the CEO under the Act.			

**Division 5A – Dealing with councillors' personal interests in local government matters**

Entity power given to	Section of LOGA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	175C(3)	In the specified circumstances, power to delegate deciding a matter, unless deciding the matter cannot be delegated under section 257 of the LGA.	N/A – repealed			
Local Government	175E(6)	In the specified circumstances, power to delegate deciding a matter, unless deciding the matter cannot be delegated under section 257 of the LGA.	N/A – repealed			

**Division 6 – Conduct and performance of councillors**

Entity power given to	Section of LOGA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Entity dealing with the complaint under this division	176A(2)	In the specified circumstances, the power to decide not to take any further action in relation to a complaint about the conduct of a person who is no longer a councillor in the prescribed circumstances.	This power does not need to be delegates as it is given directly to the CEO under the Act	Sub-Delegation of power not recommended		
Entity dealing with the complaint under this division	176A(3)	In the specified circumstances, the power to give to an entity that made the complaint, and the accused person, a written notice that states: (a) no further action will be taken in relation to the complaint; and (b) the reasons for the decision.	This power does not need to be delegates as it is given directly to the CEO under the Act	Sub-Delegation of power not recommended		

**Part 5 – Local government employees**

**Division 3 – Common provisions**

Entity power given to	Section of LOGA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	198(2)	Power to make an agreement with other local governments that an employee may be employed by more than one local government.	23 February 2021			Subject to consultation with the Divisional Councillor.

**CHAPTER 7 – OTHER PROVISIONS**

**Part 2 – Superannuation**

**Division 3 – Superannuation contributions for particular employees**

Entity power given to	Section of LOGA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	221(2)(a)	Power to make an agreement with an employee that it is exempt, on the grounds of the employee's financial hardship, from paying all or a stated part of the contributions payable under section 220A(2) by the employee.	23 February 2021			

**Part 4 – Legal provisions**

Entity power given to	Section of LOGA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	236(1)	The power to sign a document on behalf of a local government.	23 February 2021			Mayor to execute

						documents on behalf of Council in instances where creating, amending or surrendering interests in land, unless not reasonably practicable, then the Chief Executive Officer.
Local Government	240(1)	Power to authorise in writing another employee, other than the chief executive officer, to: (a) give instructions and act as the authorised agent for the local government; and (b) sign all documents for the local government.	23 February 2021			

## Part 6 – Other provisions

Entity power given to	Section of LOGA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	262(2)	In the specified circumstances, power to do anything that is necessary or convenient for performing the responsibilities.	23 February 2021			
Chief Executive Officer	265A(1)(b)	Power to authorise an employee of a local government to conduct searches of registers or documents about the land in the land registry.	This power does not need to be delegated as it is given directly to the CEO under the Act.			

Local Government	268A	The power to decide the way in which a local government will conduct a voluntary poll of electors in its area.	23 February 2021			
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**Part 12 – Traditional provisions for the Local Government (Councillor Complaints) and Other Legislation Amendment Act 2018**

Entity power given to	Section of LOGA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Entity Holding Information	317(3)	In the specified circumstances, power to give information to the assessor.	23 February 2021			
Entity Holding Information	319(3)	In the specified circumstances, power to give information to the assessor.	23 February 2021			

[2019 11 18 - LOGA - Delegation Table]

# INSTRUMENT OF SUB-DELEGATION

**Torres Strait Island Regional Council**  
*Local Government Act 2009 ("LOGA")*

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

### *Local Government Act 2009 ("LOGA")*

#### CHAPTER 3 – THE BUSINESS OF LOCAL GOVERNMENT

##### Part 1 – Local laws

##### Division 2 – Making, recording and reviewing local laws

Entity power given to	Section of LOGA	Description
Local Government	29(1)	Power to decide local government process for making a local law to the extent that the process is not inconsistent with this part.

##### Division 5 – Miscellaneous

Entity power given to	Section of LOGA	Description
Chief Executive Officer	38B(9)	Power to ask the police commissioner to give the chief executive officer information about noise abatement directions given to persons in the local government area.

##### Part 3 – Roads and other infrastructure

##### Division 1 – Roads

Entity power given to	Section of LOGA	Description
Local Government	61(1)	Power to give the owner of land the local government wants to acquire, a notice of intention to acquire land.
Local Government	61(5)	Power to give permission to an owner to erect, place, re-erect, replace or repair any structure or part of a structure on the land.
Local Government	62(6)	Power to reasonably require information to decide the claim.
Local Government	62(7)	In specified circumstances, power to give the claimant written notice of Council's decision on the claim.
Local Government	64(4)	Power to agree on compensation for the acquisition of the land.
Local Government	65(1)	Power to decide not to proceed with the realignment of a road or part of a road after giving a notice of intention to acquire land.
Local Government	65(3)	Power to serve notice of Council's decision on all owners of land who were served with the notice of intention to acquire land.
Local Government	65(4)(a)	Power to withdraw the notice of intention to acquire land.
Local Government	65(4)(b)	Power to lodge with the registrar of titles for registration a notice of Council's decision not to proceed with the realignment of the road, or part of the road.
Local Government	66(4)	Power to agree on an amount of compensation.

Local Government	67(1)	Power to acquire land that adjoins a road for use as a footpath.
Local Government	67(2)	In the specified circumstances, power to decide whether any of the rights specified in this subsection are appropriate.
Local Government	67(3)	Power to consider necessary structural alterations to the structure, room or cellar.
Local Government	68(4)	Power to object to the opening or closing of the road.
Local Government	69(1)	In certain circumstances, power to close a road.
Local Government	69(2)(a)	Power to close a road during a temporary obstruction to traffic.
Local Government	69(2)(b)	Power to close a road if it is in the interests of public safety.
Local Government	69(2)(c)	Power to decide that it is necessary or desirable to close a road for a temporary purpose in the circumstances specified.
Local Government	69(4)	Power to do everything necessary to stop traffic using the road after it is closed.
Local Government	69(5)	If a road is closed to traffic for a temporary purpose, power to permit the use of any part of the road on the conditions considered appropriate.
Local Government Employee or Contractor	70(3)	In the specified circumstances, power to: (a) make an agreement with the owner or occupier of the land; or (b) give the owner or occupier of the land at least 3 days written notice.
Local Government	70(4)	In the specified circumstances, power to give the owner or occupier of the land oral notice of the matters mentioned in subsection (3)(b).
Chief Executive Officer	70(6)(b)	Power to allow a later time for receipt of a claim for compensation.
Local Government	70(7)(a)	Power to make an agreement with a person for the amount of compensation.
Local Government	71(2)	Power to give the owner or occupier advice about the permanent level of the road.
Local Government	71(4)(a)	Power to make an agreement with the owner or occupier, or their successor in title, for the amount of compensation.
Local Government	72(1)(b)	Power to consider that the conduct of the activity is having, or will have, a significant adverse impact on a road in the local government area.
Local Government	72(2)	Power to require the entity which is conducting an activity to provide information, within a reasonable time, that will enable the local government to assess the impact of the activity on the road.
Local Government	72(3)	After assessing the impact of the activity on the road, power to do one or more of the following: (a) give the entity a direction about the use of the road to lessen the impact; (b) require the entity: (i) to carry out works to lessen the impact; or (ii) to pay an amount as compensation for the impact.
Local Government	74(2)	Power to consider appropriate particulars to be shown on the register of roads.

Local Government	75(2)	For the specified reasons, power to give written approval.
Local Government	75(4)	Power to decide the conditions of an approval under subsection (2).

### **Division 2 – Stormwater drains**

<b>Entity power given to</b>	<b>Section of LOGA</b>	<b>Description</b>
Local Government	77(1)	Power to, by written notice, require the owner of a property to connect a stormwater installation for the property to the local government's stormwater drain in the way, under the conditions and within the time stated in the notice.
Local Government	77(3)(b)	Power to give approval for the connection to a local government stormwater drain.
Local Government	77(4)	Power to impose conditions on approval for the connection, including about the way the connection must be made.
Local Government	78(4)	Under the specified circumstances, power to, by written notice, require the owner of the property to perform the work stated in the notice, within the time stated in the notice.
Local Government	78(5)	For a notice provided in subsection (4), power to decide a time that is reasonable.
Local Government	79(4)(e)(i)	Power to approve the maximum temperature for a substance.

## **Part 4 – The business of indigenous local governments**

### **Division 2 – Managing trust land**

<b>Entity power given to</b>	<b>Section of LOGA</b>	<b>Description</b>
Trustee Council	85(6)	Power to give written notice of the reasons for the proposed decision to the community forum.

## **Part 5 – Caretaker period arrangements**

<b>Entity power given to</b>	<b>Section of LOGA</b>	<b>Description</b>
Local Government	90B(2)	Power to consider it is necessary to make a major policy decision in the public interest, and power to apply to the Minister for approval to make the decision.

## **CHAPTER 4 – FINANCES AND ACCOUNTABILITY**

### **Part 1 – Rates and charges**

<b>Entity power given to</b>	<b>Section of LOGA</b>	<b>Description</b>
Local Government	95(3)(a)	Power to sign and lodge for registration a request to register a charge over the land on behalf of the local government.
Chief Executive Officer	95(3)(b)	Power to sign a certificate that states there is a charge of the land for overdue rates and charges.
Chief Executive Officer	95(5)(b)	Power to sign a certificate that states the overdue rates and charges have been paid.

## CHAPTER 5 – MONITORING AND ENFORCING THE LOCAL GOVERNMENT ACTS

### Part 1 – Local governments

#### Division 3 – Remedial action by minister

Entity power given to	Section of LOGA	Description
Local Government	120(5)	Power to make submissions within the time specified in the notice.

### Part 2 – The public

#### Division 1 – Powers of authorised persons

##### *Subdivision 3 – Powers to enter property etc.*

Entity power given to	Section of LOGA	Description
Local Government	133(3)	Power to give, or make a reasonable attempt to give, the occupier of the property a written notice that informs the occupier of the following: (a) the intention to enter the property; (b) the reason for entering the property; (c) an estimation of when the property will be entered.
Local Government	133(4)	Power to give, or make a reasonable attempt to give, written notice to the occupier within a reasonable time before the property is to be entered.
Local Government	137(2)(a)	Power to agree on an amount of compensation for a person who has incurred damage or loss because of the exercise or purported exercise of a power under this division.

#### Division 2 – Powers of other persons

Entity power given to	Section of LOGA	Description
Local Government	138(4)	Power to authorise a local government worker.
Local Government	138AA(3)(b)	Power to give reasonable entry notice.
Local Government	140(1)(a)	Power to give a remedial notice to the owner of a property.
Owner / Owner's agent	140(2)	Power to enter property at the times stated in the reasonable entry notice and take the action that is required under the remedial notice.
Local Government	142(6)	In the specified circumstances, power to give the person who failed to take the action, written notice of the amount of the debt.
Local Government	143(1)	Power to form a belief that there is no reasonably practicable way of obtaining materials other than by removing the materials from the relevant land.
Person	146(1)	Power to enter the property in accordance with a Court order made under this section.
Person	146(2)	Power to apply to a Magistrate for a Court order.
Local Government	147(3)(a)	Power to agree on an amount of compensation for a person who has incurred damage or loss because of the exercise or purported exercise of a power under this division.

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**Part 3 – Investigation of local government records****Division 3 – Investigations by local government**

Entity power given to	Section of LOGA	Description
Chief Executive Officer	148F(2)	Power to make all inquiries the Chief Executive Officer considers to be reasonable to find out whether and to what extent the register or record is incorrect/power to direct an authorised person to make such enquiries.
Chief Executive Officer	148G(2)	Power to, in the circumstances in subsection (1) require a person to give information or produce a document, or direct an authorised person to require a person to give information or produce a document.

**CHAPTER 5A – COUNCILLOR CONDUCT****Part 3 – Dealing with inappropriate conduct, misconduct and corrupt conduct****Division 2 – Complaints about councillor conduct**

Entity power given to	Section of LOGA	Description
Local Government	150P	In the specified circumstances, the power to refer a complaint to the assessor and to give the assessor all information held by the entity that relates to the complaint.

**Division 3 – Local government duties to notify assessor about particular councillor conduct**

Entity power given to	Section of LOGA	Description
Local Government	150S(2)	In the specified circumstances, the power to give the assessor a notice about the councillor's conduct and all information held by the local government that relates to the conduct.

**Division 5 – Referral of conduct to local government**

Entity power given to	Section of LOGA	Description
Local Government	150AF(1)	In the specified circumstances, the power to investigate the conduct of the councillor.
Local Government	150AF(4)	In the specified circumstances, the power to give information to the assessor for further investigation and take no further action in relation to the conduct.

**Division 6 – Application to conduct tribunal about misconduct and connected inappropriate conduct**

Entity power given to	Section of LOGA	Description
Local Government	150AK(3)	In the specified circumstances, the power to give to the councillor a copy of the application.

**Part 4 – Investigation and enforcement powers**  
**Division 2 – Entry of place by investigators**  
***Subdivision 1 – Power to enter***

Entity power given to	Section of LOGA	Description
Occupier at a place	150BI(1)(a)	In the specified circumstances, the power to consent to the entry of an investigator to a place.

***Subdivision 2 – Entry by consent***

Entity power given to	Section of LOGA	Description
Occupier at a place	150BM(1)	In the specified circumstances, the power to sign an acknowledge of the consent to allow an investigator entry to a place.

**Division 3 – General powers of investigators after entering places**

Entity power given to	Section of LOGA	Description
Occupier at a place	150BV(1)	In the specified circumstances, the power to provide reasonable help to an investigator to exercise a general power.

**Division 4 – Seizure by investigators**

***Subdivision 3 – Safeguards for seized things***

Entity power given to	Section of LOGA	Description
Owner of seized thing	150CD(1)	In the specified circumstances, the power to inspect the seized thing, and if it is a document, copy the document.
Owner of seized thing	150CE(3)	In the specified circumstances, the power to apply to the assessor for return of the seized thing.

**Division 7 – Review**

***Subdivision 1 – Internal review***

Entity power given to	Section of LOGA	Description
Owner of seized thing	150CO(2)	In the specified circumstances, the power to apply to the assessor for a review of the decision.

***Subdivision 2 – External review***

Entity power given to	Section of LOGA	Description
Applicant of a Review Decision	150CR	In the specified circumstances, the power to apply to QCAT for a review of the review decision.

**Part 5 –****Administration****Division 2 – Councillor conduct tribunal**

Entity power given to	Section of LOGA	Description
Local Government	150DL(1)(a)	In the specified circumstances, the power to request the conduct tribunal to: (a) Investigate the suspected inappropriate conduct of a councillor; (b) to make recommendations to the local government about dealing with the conduct.

**Part 6 –****Miscellaneous****Division 1 – Councillor conduct register**

Entity power given to	Section of LOGA	Description
Local Government	150DX(1)	The power to keep an up-to-date register about the specified matters.
Local Government	150DX(2)(a)	The power to publish the register on the local governments website.
Local Government	150DX(2)(b)	The power to make the register publicly available for inspection and to sell copies of an entry in the register, at the local government's public office.

**CHAPTER 6 – ADMINISTRATION****Part 2 –****Councillors****Division 3 – Vacancies in councillor's office**

Entity power given to	Section of LOGA	Description
Local Government	162(1)(d)(ii)	In the specified circumstances, power to give leave to a councillor.
Chief Executive Officer	166(6)	In the specified circumstances, power to request the political party to advise the full name and address of its nominee.
Chief Executive Officer	166(8)	Power to, within 14 days after the office become vacant, invite nominations.

**Division 5 – Obligations of councillors**

Entity power given to	Section of LOGA	Description
Chief Executive Officer	170(4)(b)	Power to make available to the local government each direction mentioned under section 170(a).

### **Division 5A – Dealing with councillors' personal interests in local government matters**

<b>Entity power given to</b>	<b>Section of LOGA</b>	<b>Description</b>
Local Government	175C(3)	In the specified circumstances, power to delegate deciding a matter, unless deciding the matter cannot be delegated under section 257 of the LGA.
Local Government	175E(6)	In the specified circumstances, power to delegate deciding a matter, unless deciding the matter cannot be delegated under section 257 of the LGA.

### **Division 6 – Conduct and performance of councillors**

<b>Entity power given to</b>	<b>Section of LOGA</b>	<b>Description</b>
Entity dealing with the complaint under this division	176A(2)	In the specified circumstances, the power to decide not to take any further action in relation to a complaint about the conduct of a person who is no longer a councillor in the prescribed circumstances.
Entity dealing with the complaint under this division	176A(3)	In the specified circumstances, the power to give to an entity that made the complaint, and the accused person, a written notice that states: (a) no further action will be taken in relation to the complaint; and (b) the reasons for the decision.

## **Part 5 – Local government employees**

### **Division 3 – Common provisions**

<b>Entity power given to</b>	<b>Section of LOGA</b>	<b>Description</b>
Local Government	198(2)	Power to make an agreement with other local governments that an employee may be employed by more than one local government.

## **CHAPTER 7 – OTHER PROVISIONS**

### **Part 2 – Superannuation**

#### **Division 3 – Superannuation contributions for particular employees**

<b>Entity power given to</b>	<b>Section of LOGA</b>	<b>Description</b>
Local Government	221(2)(a)	Power to make an agreement with an employee that it is exempt, on the grounds of the employee's financial hardship, from paying all or a stated part of the contributions payable under section 220A(2) by the employee.

### **Part 4 – Legal provisions**

<b>Entity power given to</b>	<b>Section of LOGA</b>	<b>Description</b>
Local Government	236(1)	The power to sign a document on behalf of a local government.

Local Government	240(1)	Power to authorise in writing another employee, other than the chief executive officer, to: (a) give instructions and act as the authorised agent for the local government; and (b) sign all documents for the local government.
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**Part 6 – Other provisions**

Entity power given to	Section of LOGA	Description
Local Government	262(2)	In the specified circumstances, power to do anything that is necessary or convenient for performing the responsibilities.
Chief Executive Officer	265A(1)(b)	Power to authorise an employee of a local government to conduct searches of registers or documents about the land in the land registry.
Local Government	268A	The power to decide the way in which a local government will conduct a voluntary poll of electors in its area.

**Part 12 – Traditional provisions for the Local Government (Councillor Complaints) and Other Legislation Amendment Act 2018**

Entity power given to	Section of LOGA	Description
Entity Holding Information	317(3)	In the specified circumstances, power to give information to the assessor.
Entity Holding Information	319(3)	In the specified circumstances, power to give information to the assessor.

## **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 11 18 - LOGA - 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 (section 9(3) LGA 2009); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
  - 
  - a. impact on land and/or sea; and/or
  - b. involve payment of compensation regarding land; and/or
  - c. require a budget amendment.

# **INSTRUMENT OF DELEGATION**

## **Torres Strait Island Regional Council** ***Local Government Regulation 2012 ("LOGR")***

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.

**Local Government Regulation 2012 ("LOGR")****CHAPTER 3 – THE BUSINESS OF LOCAL GOVERNMENTS****Part 2 – Business reform, including competitive neutrality****Division 7 – Competitive neutrality complaints****Subdivision 2 – Complaint process**

Entity power given to	Section of LOGR	Description
Local Government	55(4)	Power to, within seven (7) days after making the resolution, give notice of the resolution to: (a) The complainant; and (b) The QCA; and (c) If a corporatised business entity is conducting the business activity—the corporatised business entity.

**Part 3 – Roads and other infrastructure****Division 2 – Malls**

Entity power given to	Section of LOGR	Description
Local Government	58(2)(b)	Power to permit the use of any part of the mall (including for the use of erecting any structure, for example) on the conditions it considers appropriate.

**CHAPTER 4 – RATES AND CHARGES****Part 5 – Differential general rates****Division 2 – Entering land to categorise land**

Entity power given to	Section of LOGR	Description
Chief Executive Officer	83(1)	Power to appoint a qualified person as a categorisation officer for this division.
Local Government	83(2)(b)	Power to authorise a person for the purpose of this division.
Chief Executive Officer	84(1)	Power to give a categorisation officer an identity card.

**Division 4 – Objecting to rates category**

Entity power given to	Section of LOGR	Description
Chief Executive Officer	91(2)	Power to consider the objection and decide: (a) to change the rating category for the land: (i) to the rating category to which the owner claims in the objection notice the land should belong; or (ii) to another rating category; or (b) not to allow the objection.

Chief Executive Officer	91(3)	Power to give the owner notice of the decision and the reasons for the decision.
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## **Part 12 –**

### **Overdue rates and charges**

#### **Division 3 – Selling or acquiring land for overdue rates or charges**

##### ***Subdivision 2 – Selling land for overdue rates or charges***

<b>Entity power given to</b>	<b>Section of LOGR</b>	<b>Description</b>
Local Government	138(3)	Power to give the State or government entity that has the interest in the land under the State encumbrance a notice of the local government's intention to sell the land, before the local government sells the land.
Local Government	140(3)	In certain circumstances, power to give all interested parties a notice of intention to sell the land.
Local Government	143(1)	Power to set a reserve price for the land at auction.
Local Government	143(2)	In certain circumstances, power to enter into negotiations with the any bidder who attended the auction to sell the land by agreement.
Local Government	144(1)	Power to prepare the sales notice.
Local Government	144(4)	Power to decide to offer the land for sale by negotiation.
Local Government	144(5)(a)	Power to give a copy of the sales notice to each interested party who was given a notice of intention to sell the land.
Local Government	144(5)(b)	Power to publish the sales notice on the local government's website.
Local Government	144(5)(c)	Power to display the sales notice in a conspicuous place in the local government's office.
Local Government	144(5)(d)	Power to display the sales notice in a conspicuous place on the land.
Local Government	144(5)(e)	Power to take all reasonable steps to publish the sales notice in another way to notify the public about the sale of the land.

##### ***Subdivision 3 – Acquiring land for overdue rates or charges***

<b>Entity power given to</b>	<b>Section of LOGR</b>	<b>Description</b>
Local Government	149(2)	In certain circumstances, power to, as soon as practicable, give all interested parties a notice of intention to acquire the land.

## **Part 13 –**

### **Land record of local government**

#### **Division 1 – Land record**

<b>Entity power given to</b>	<b>Section of LOGR</b>	<b>Description</b>
Chief Executive Officer	156(2)	In certain circumstances, power to, as soon as practicable, give the ratepayer an information notice about the amendment.

## CHAPTER 5 – FINANCIAL PLANNING AND ACCOUNTABILITY

### Part 5 – Community grants

Entity power given to	Section of LOGR	Description
Local Government	194(a)	Power to be satisfied: (a) the grant will be used for a purpose that is in the public interest; and (b) the community organisation meets the criteria stated in the local government's community grants policy.

### Part 8 – Local government funds and accounts

#### Division 1 – Trust fund

Entity power given to	Section of LOGR	Description
Local Government	201(2)	In certain circumstances, power to transfer money from a trust fund.
Local Government	201B(4)	Power to, after the adoption of the budget by the Local Government, publish a notice containing the prescribed things.
Chief Executive Officer	202(2)(a)(ii)	In the specified circumstances, power to approve an allocation of the councillor's discretionary funds.
Chief Executive Officer	202A(2)	In the specified circumstances, power to publish a notice under section 202A(1) on the Local Government's website.

### Part 9 – Accounting records

Entity power given to	Section of LOGR	Description
Chief Executive Officer	204(2)	Power to present the financial report: (a) if the local government meets less frequently than monthly—at each meeting of the local government; or (b) otherwise—at a meeting of the local government once a month.
Chief Executive Officer	205(1)	Power to present the local government's annual budget meeting with a statement of estimated financial position.

## CHAPTER 6 – CONTRACTING

### Part 3 – Default contracting procedures

#### Division 2 – Entering into particular contracts

Entity power given to	Section of LOGR	Description
Local Government	225(3)	Power to not accept any of the quotes received.
Local Government	225(4)	Power to decide to accept a quote.
Local Government	225(4)	Power to decide which quote is most advantageous to Council, having regard to the sound contracting principles.
Local Government	228(9)	Power to decide not to accept any tenders received.
Local Government	228(10)	Power to decide to accept a tender.

Local Government	228(10)	Power to decide which tender is most advantageous to Council, having regard to the sound contracting principles.
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### **Division 3 – Exceptions for medium-sized and large-sized contractual arrangements**

<b>Entity power given to</b>	<b>Section of LOGR</b>	<b>Description</b>
Local Government	232(2)	In certain circumstances, power to enter into the contract without first inviting written quotes or tenders.
Local Government	232(4)	In certain circumstances, power to establish a register of pre-qualified suppliers.

## **CHAPTER 8 – ADMINISTRATION**

### **Part 1 – Councillors**

#### **Division 1 – Councillor remuneration**

<b>Entity power given to</b>	<b>Section of LOGR</b>	<b>Description</b>
Local Government	248(1)	Power to consider that, having regard to exceptional circumstances that apply, a councillor of its local government is entitled to a different amount of remuneration from the remuneration stated in the remuneration schedule for the category of local government to which the local government belongs.

### **Part 2 – Local government meetings and committees**

#### **Division 1A – Requirements for local government meetings generally**

<b>Entity power given to</b>	<b>Section of LOGR</b>	<b>Description</b>
Local Government	254B(1)	Power to publish a notice at least once a year, of the days and times when: (a) its ordinary meetings will be held; and (b) the ordinary meetings of its standing committees will be held.
Local Government	254B(1)	Power to consider it appropriate to publish the notice mention in subsection (1) in other ways.

### **Part 3 – Local government employees**

#### **Division 1 – Disciplinary action against local government employees**

<b>Entity power given to</b>	<b>Section of LOGR</b>	<b>Description</b>
Chief Executive Officer	279	Power to be satisfied that that the employee has: (a) failed to perform their responsibilities under the Act; or (b) failed to perform a responsibility under the Act in accordance with the local government principles; or (c) taken action under the Act in a way that is not consistent with the local government principles.
Chief Executive Officer	282(1)	Power to be satisfied, on reasonable grounds, that a local government employee will be subject to disciplinary action.

Chief Executive Officer	282(1)	Power to suspend the employee from duty.
Chief Executive Officer	283(1)	Power to give the employee: (a) written notice of the following: (i) the disciplinary action to be taken; (ii) the grounds on which the disciplinary action is taken; (iii) the particulars of conduct claimed to support the grounds; and (b) a reasonable opportunity to respond to the information contained in the written notice.

## **Part 5 – Register of interests**

### **Division 1 – Disciplinary action against local government employees**

<b>Entity power given to</b>	<b>Section of LOGR</b>	<b>Description</b>
Chief Executive Officer	296	In certain circumstances, the power to inform the informed person.

## **CHAPTER 9 – OTHER PROVISIONS**

### **Part 3 – Delegation of powers**

<b>Entity power given to</b>	<b>Section of LOGR</b>	<b>Description</b>
Chief Executive Officer	305(2)	Power to consider it appropriate to include other information in the register.

### **Part 6 – Loss of local government asset**

<b>Entity power given to</b>	<b>Section of LOGR</b>	<b>Description</b>
Chief Executive Officer	307A(1)(b)	Power to form reasonable suspicion that there has been a reportable loss of an asset belonging to the local government.
Chief Executive Officer	307A(3)	Power to be satisfied the material loss is also a reportable loss and power to advise the person specified in subsection (3) as soon as practicable but not more than 6 months after the CEO becomes aware of the loss.

## **SCHEDULE 4 – PRICING PROVISIONS**

<b>Entity power given to</b>	<b>Section of LOGR</b>	<b>Description</b>
Local Government	10(2)	Power to decide the amount for the return on the capital used by a local government in conducting a relevant activity.
Local Government	10(2)	Power to form the opinion that a rate is comparable to the rate which a private sector business conducting the activity would be able to obtain the capital in the market.
Local Government	10(3)	Power to consider appropriate, for the type of business activity, the split between equity and loan capital and the return appropriate to each.



## **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.

[2020 10 12 - LOGR - 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 (section 9(3) LGA 2009); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
  - 
  - a. impact on land and/or sea; and/or
  - b. involve payment of compensation regarding land; and/or
  - c. require a budget amendment.

# DELEGABLE POWERS UNDER THE LOCAL GOVERNMENT REGULATION 2012 ("LOGR")

## CHAPTER 3 – THE BUSINESS OF LOCAL GOVERNMENTS

### Part 2 – Business reform, including competitive neutrality

#### Division 7 – Competitive neutrality complaints

##### *Subdivision 2 – Complaint process*

Entity power given to	Section of LOGR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	55(4)	Power to, within seven (7) days after making the resolution, give notice of the resolution to: (a) The complainant; and (b) The QCA; and (c) If a corporatised business entity is conducting the business activity—the corporatised business entity.	23 February 2021			

### Part 3 – Roads and other infrastructure

#### Division 2 – Malls

Entity power given to	Section of LOGR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	58(2)(b)	Power to permit the use of any part of the mall (including for the use of erecting any structure, for example) on the conditions it considers appropriate.	23 February 2021			

## CHAPTER 4 – RATES AND CHARGES

### Part 5 – Differential general rates

#### Division 2 – Entering land to categorise land

Entity power given to	Section of LOGR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Chief Executive Officer	83(1)	Power to appoint a qualified person as a categorisation officer for this division.	This power does not need to be delegated as it is given directly to the CEO under the Act.			
Local Government	83(2)(b)	Power to authorise a person for the purpose of this division.	N/A – land not currently rateable			
Chief Executive Officer	84(1)	Power to give a categorisation officer an identity card.	This power does not need to be delegated as it is given directly to the CEO under the Act.			

#### Division 4 – Objecting to rates category

Entity power given to	Section of LOGR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Chief Executive Officer	91(2)	Power to consider the objection and decide: (a) to change the rating category for the land: (i) to the rating category to which the owner claims in the objection notice the land should belong; or (ii) to another rating category; or	This power does not need to be delegated as it is given directly to the CEO under the Act.			

		(b) not to allow the objection.				
Chief Executive Officer	91(3)	Power to give the owner notice of the decision and the reasons for the decision.	This power does not need to be delegated as it is given directly to the CEO under the Act.			

## Part 12 – Overdue rates and charges

### Division 3 – Selling or acquiring land for overdue rates or charges

#### *Subdivision 2 – Selling land for overdue rates or charges*

Entity power given to	Section of LOGR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	138(3)	Power to give the State or government entity that has the interest in the land under the State encumbrance a notice of the local government's intention to sell the land, before the local government sells the land.	N/A – land not currently rateable			
Local Government	140(3)	In certain circumstances, power to give all interested parties a notice of intention to sell the land.	N/A – land not currently rateable			
Local Government	143(1)	Power to set a reserve price for the land at auction.	N/A – land not currently rateable			
Local Government	143(2)	In certain circumstances, power to enter into negotiations with the any bidder who attended the auction to sell the land by agreement.	N/A – land not currently rateable			
Local Government	144(1)	Power to prepare the sales notice.	N/A – land not currently rateable			

Local Government	144(4)	Power to decide to offer the land for sale by negotiation.	N/A – land not currently rateable			
Local Government	144(5)(a)	Power to give a copy of the sales notice to each interested party who was given a notice of intention to sell the land.	N/A – land not currently rateable			
Local Government	144(5)(b)	Power to publish the sales notice on the local government's website.	N/A – land not currently rateable			
Local Government	144(5)(c)	Power to display the sales notice in a conspicuous place in the local government's office.	N/A – land not currently rateable			
Local Government	144(5)(d)	Power to display the sales notice in a conspicuous place on the land.	N/A – land not currently rateable			
Local Government	144(5)(e)	Power to take all reasonable steps to publish the sales notice in another way to notify the public about the sale of the land.	N/A – land not currently rateable			

***Subdivision 3 – Acquiring land for overdue rates or charges***

Entity power given to	Section of LOGR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	149(2)	In certain circumstances, power to, as soon as practicable, give all interested parties a notice of intention to acquire the land.	N/A – land not currently rateable			

**Part 13 – Land record of local government****Division 1 – Land record**

Entity power given to	Section of LOGR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Chief Executive Officer	156(2)	In certain circumstances, power to, as soon as practicable, give the ratepayer an information notice about the amendment.	This power does not need to be delegated as it is given directly to the CEO under the Act.			

**CHAPTER 5 – FINANCIAL PLANNING AND ACCOUNTABILITY****Part 5 – Community grants**

Entity power given to	Section of LOGR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	194(a)	Power to be satisfied: (a) the grant will be used for a purpose that is in the public interest; and (b) the community organisation meets the criteria stated in the local government's community grants policy.	23 February 2021			

**Part 8 – Local government funds and accounts**

**Division 1 – Trust fund**

Entity power given to	Section of LOGR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	201(2)	In certain circumstances, power to transfer money from a trust fund.	23 February 2021			
Local Government	201B(4)	Power to, after the adoption of the budget by the Local Government, publish a notice containing the prescribed things.	23 February 2021			
Chief Executive Officer	202(2)(a)(ii)	In the specified circumstances, power to approve an allocation of the councillor's discretionary funds.	23 February 2021			The Mayor's approval is also required to approve the allocation of councillor's discretionary funds
Chief Executive Officer	202A(2)	In the specified circumstances, power to publish a notice under section 202A(1) on the Local Government's website.	23 February 2021			

**Part 9 – Accounting records**

Entity power given to	Section of LOGR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Chief Executive Officer	204(2)	Power to present the financial report: (a) if the local government meets less frequently than monthly—at each meeting of the local government; or (b) otherwise—at a meeting of the local government once a month.	This power does not need to be delegated as it is given directly to the CEO under the Act.			
Chief Executive Officer	205(1)	Power to present the local government's annual budget meeting with a statement of estimated financial position.	This power does not need to be delegated as it is			

			given directly to the CEO under the Act.			
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## CHAPTER 6 – CONTRACTING

### Part 3 – Default contracting procedures

#### Division 2 – Entering into particular contracts

Entity power given to	Section of LOGR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	225(3)	Power to not accept any of the quotes received.	23 February 2021			Notification by way of Information Report to the next available Ordinary Meeting.
Local Government	225(4)	Power to decide to accept a quote.	23 February 2021			Notification by way of Information Report to the next available Ordinary Meeting.
Local Government	225(4)	Power to decide which quote is most advantageous to Council, having regard to the sound contracting principles.	23 February 2021			
Local Government	228(9)	Power to decide not to accept any tenders received.	23 February 2021			
Local Government	228(10)	Power to decide to accept a tender.	23 February 2021			
Local Government	228(10)	Power to decide which tender is most advantageous to Council, having regard to the sound contracting principles.	23 February 2021			

**Division 3 – Exceptions for medium-sized and large-sized contractual arrangements**

Entity power given to	Section of LOGR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	232(2)	In certain circumstances, power to enter into the contract without first inviting written quotes or tenders.	23 February 2021			
Local Government	232(4)	In certain circumstances, power to establish a register of pre-qualified suppliers.	23 February 2021			

**CHAPTER 8 – ADMINISTRATION**

**Part 1 – Councillors**

**Division 1 – Councillor remuneration**

Entity power given to	Section of LOGR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	248(1)	Power to consider that, having regard to exceptional circumstances that apply, a councillor of its local government is entitled to a different amount of remuneration from the remuneration stated in the remuneration schedule for the category of local government to which the local government belongs.	N/A			

**Part 2 – Local government meetings and committees**

**Division 1A – Requirements for local government meetings generally**

Entity power given to	Section of LOGR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	254B(1)	Power to publish a notice at least once a year, of the days and times when: (a) its ordinary meetings will be held; and (b) the ordinary meetings of its standing committees will be held.	23 February 2021			Commences 12 October 2020 immediately after the commencement of section 81 of the <i>Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Act 2020</i>
Local Government	254B(1)	Power to consider it appropriate to publish the notice mention in subsection (1) in other ways.	23 February 2021			Commences 12 October 2020 immediately after the commencement of section 81 of the <i>Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Act 2020</i>

**Part 3 – Local government employees**

**Division 1 – Disciplinary action against local government employees**

Entity power given to	Section of LOGR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Chief Executive Officer	279	Power to be satisfied that that the employee has: (a) failed to perform their responsibilities under the Act; or (b) failed to perform a responsibility under the Act in accordance with the local government principles; or (c) taken action under the Act in a way that is not consistent with the local government principles.	This power does not need to be delegated as it is given directly to the CEO under the Act.			
Chief Executive Officer	282(1)	Power to be satisfied, on reasonable grounds, that a local government employee will be subject to disciplinary action.	This power does not need to be delegated as it is given directly to the CEO under the Act.			
Chief Executive Officer	282(1)	Power to suspend the employee from duty.	This power does not need to be delegated as it is given directly to the CEO under the Act.			
Chief Executive Officer	283(1)	Power to give the employee: (a) written notice of the following: (i) the disciplinary action to be taken; (ii) the grounds on which the disciplinary action is taken;	This power does not need to be delegated as it is given directly to the CEO under the Act.			

		(iii) the particulars of conduct claimed to support the grounds; and (b) a reasonable opportunity to respond to the information contained in the written notice.				
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## Part 5 – Register of interests

### Division 1 – Disciplinary action against local government employees

Entity power given to	Section of LOGR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Chief Executive Officer	296	In certain circumstances, the power to inform the informed person.	This power does not need to be delegated as it is given directly to the CEO under the Act.			

## CHAPTER 9 – OTHER PROVISIONS

### Part 3 – Delegation of powers

Entity power given to	Section of LOGR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Chief Executive Officer	305(2)	Power to consider it appropriate to include other information in the register.	This power does not need to be delegated as it is given directly to the CEO under the Act.			

**Part 6 – Loss of local government asset**

Entity power given to	Section of LOGR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Chief Executive Officer	307A(1)(b)	Power to form reasonable suspicion that there has been a reportable loss of an asset belonging to the local government.	This power does not need to be delegated as it is given directly to the CEO under the Act.			
Chief Executive Officer	307A(3)	Power to be satisfied the material loss is also a reportable loss and power to advise the person specified in subsection (3) as soon as practicable but not more than 6 months after the CEO becomes aware of the loss.	This power does not need to be delegated as it is given directly to the CEO under the Act.			

**SCHEDULE 4 – PRICING PROVISIONS**

Entity power given to	Section of LOGR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	10(2)	Power to decide the amount for the return on the capital used by a local government in conducting a relevant activity.	23 February 2021			
Local Government	10(2)	Power to form the opinion that a rate is comparable to the rate which a private sector business conducting the activity would be able to obtain the capital in the market.	23 February 2021			
Local Government	10(3)	Power to consider appropriate, for the type of business activity, the split between equity and loan capital and the return appropriate to each.	23 February 2021			

[2020 10 12 - LOGR - Delegation Table]

## INSTRUMENT OF SUB-DELEGATION

**Torres Strait Island Regional Council**  
***Local Government Regulation 2012 ("LOGR")***

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

### *Local Government Regulation 2012 ("LOGR")*

#### CHAPTER 3 – THE BUSINESS OF LOCAL GOVERNMENTS

##### Part 2 – Business reform, including competitive neutrality

##### Division 7 – Competitive neutrality complaints

##### *Subdivision 2 – Complaint process*

Entity power given to	Section of LOGR	Description
Local Government	55(4)	Power to, within seven (7) days after making the resolution, give notice of the resolution to: (a) The complainant; and (b) The QCA; and (c) If a corporatised business entity is conducting the business activity—the corporatised business entity.

##### Part 3 – Roads and other infrastructure

##### Division 2 – Malls

Entity power given to	Section of LOGR	Description
Local Government	58(2)(b)	Power to permit the use of any part of the mall (including for the use of erecting any structure, for example) on the conditions it considers appropriate.

#### CHAPTER 4 – RATES AND CHARGES

##### Part 5 – Differential general rates

##### Division 2 – Entering land to categorise land

Entity power given to	Section of LOGR	Description
Chief Executive Officer	83(1)	Power to appoint a qualified person as a categorisation officer for this division.
Local Government	83(2)(b)	Power to authorise a person for the purpose of this division.
Chief Executive Officer	84(1)	Power to give a categorisation officer an identity card.

##### Division 4 – Objecting to rates category

Entity power given to	Section of LOGR	Description
Chief Executive Officer	91(2)	Power to consider the objection and decide: (a) to change the rating category for the land:

		<p>(i) to the rating category to which the owner claims in the objection notice the land should belong; or</p> <p>(ii) to another rating category; or</p> <p>(b) not to allow the objection.</p>
Chief Executive Officer	91(3)	Power to give the owner notice of the decision and the reasons for the decision.

## Part 12 –

## Overdue rates and charges

### Division 3 – Selling or acquiring land for overdue rates or charges

#### *Subdivision 2 – Selling land for overdue rates or charges*

Entity power given to	Section of LOGR	Description
Local Government	138(3)	Power to give the State or government entity that has the interest in the land under the State encumbrance a notice of the local government's intention to sell the land, before the local government sells the land.
Local Government	140(3)	In certain circumstances, power to give all interested parties a notice of intention to sell the land.
Local Government	143(1)	Power to set a reserve price for the land at auction.
Local Government	143(2)	In certain circumstances, power to enter into negotiations with the any bidder who attended the auction to sell the land by agreement.
Local Government	144(1)	Power to prepare the sales notice.
Local Government	144(4)	Power to decide to offer the land for sale by negotiation.
Local Government	144(5)(a)	Power to give a copy of the sales notice to each interested party who was given a notice of intention to sell the land.
Local Government	144(5)(b)	Power to publish the sales notice on the local government's website.
Local Government	144(5)(c)	Power to display the sales notice in a conspicuous place in the local government's office.
Local Government	144(5)(d)	Power to display the sales notice in a conspicuous place on the land.
Local Government	144(5)(e)	Power to take all reasonable steps to publish the sales notice in another way to notify the public about the sale of the land.

#### *Subdivision 3 – Acquiring land for overdue rates or charges*

Entity power given to	Section of LOGR	Description
Local Government	149(2)	In certain circumstances, power to, as soon as practicable, give all interested parties a notice of intention to acquire the land.

## Part 13 –

## Land record of local government

### Division 1 – Land record

Entity power given to	Section of LOGR	Description
Chief Executive Officer	156(2)	In certain circumstances, power to, as soon as practicable, give the ratepayer an information notice about the amendment.

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## CHAPTER 5 – FINANCIAL PLANNING AND ACCOUNTABILITY

### Part 5 – Community grants

Entity power given to	Section of LOGR	Description
Local Government	194(a)	Power to be satisfied: (a) the grant will be used for a purpose that is in the public interest; and (b) the community organisation meets the criteria stated in the local government's community grants policy.

### Part 8 – Local government funds and accounts

#### Division 1 – Trust fund

Entity power given to	Section of LOGR	Description
Local Government	201(2)	In certain circumstances, power to transfer money from a trust fund.
Local Government	201B(4)	Power to, after the adoption of the budget by the Local Government, publish a notice containing the prescribed things.
Chief Executive Officer	202(2)(a)(ii)	In the specified circumstances, power to approve an allocation of the councillor's discretionary funds.
Chief Executive Officer	202A(2)	In the specified circumstances, power to publish a notice under section 202A(1) on the Local Government's website.

### Part 9 – Accounting records

Entity power given to	Section of LOGR	Description
Chief Executive Officer	204(2)	Power to present the financial report: (a) if the local government meets less frequently than monthly—at each meeting of the local government; or (b) otherwise—at a meeting of the local government once a month.
Chief Executive Officer	205(1)	Power to present the local government's annual budget meeting with a statement of estimated financial position.

## CHAPTER 6 – CONTRACTING

### Part 3 – Default contracting procedures

#### Division 2 – Entering into particular contracts

Entity power given to	Section of LOGR	Description
Local Government	225(3)	Power to not accept any of the quotes received.
Local Government	225(4)	Power to decide to accept a quote.
Local Government	225(4)	Power to decide which quote is most advantageous to Council, having regard to the sound contracting principles.
Local Government	228(9)	Power to decide not to accept any tenders received.

Local Government	228(10)	Power to decide to accept a tender.
Local Government	228(10)	Power to decide which tender is most advantageous to Council, having regard to the sound contracting principles.

### **Division 3 – Exceptions for medium-sized and large-sized contractual arrangements**

<b>Entity power given to</b>	<b>Section of LOGR</b>	<b>Description</b>
Local Government	232(2)	In certain circumstances, power to enter into the contract without first inviting written quotes or tenders.
Local Government	232(4)	In certain circumstances, power to establish a register of pre-qualified suppliers.

## **CHAPTER 8 – ADMINISTRATION**

### **Part 1 – Councillors**

#### **Division 1 – Councillor remuneration**

<b>Entity power given to</b>	<b>Section of LOGR</b>	<b>Description</b>
Local Government	248(1)	Power to consider that, having regard to exceptional circumstances that apply, a councillor of its local government is entitled to a different amount of remuneration from the remuneration stated in the remuneration schedule for the category of local government to which the local government belongs.

### **Part 2 – Local government meetings and committees**

#### **Division 1A – Requirements for local government meetings generally**

<b>Entity power given to</b>	<b>Section of LOGR</b>	<b>Description</b>
Local Government	254B(1)	Power to publish a notice at least once a year, of the days and times when: (a) its ordinary meetings will be held; and (b) the ordinary meetings of its standing committees will be held.
Local Government	254B(1)	Power to consider it appropriate to publish the notice mention in subsection (1) in other ways.

### **Part 3 – Local government employees**

#### **Division 1 – Disciplinary action against local government employees**

<b>Entity power given to</b>	<b>Section of LOGR</b>	<b>Description</b>
Chief Executive Officer	279	Power to be satisfied that that the employee has: (a) failed to perform their responsibilities under the Act; or (b) failed to perform a responsibility under the Act in accordance with the local government principles; or (c) taken action under the Act in a way that is not consistent with the local government principles.

Chief Executive Officer	282(1)	Power to be satisfied, on reasonable grounds, that a local government employee will be subject to disciplinary action.
Chief Executive Officer	282(1)	Power to suspend the employee from duty.
Chief Executive Officer	283(1)	Power to give the employee: (a) written notice of the following: (i) the disciplinary action to be taken; (ii) the grounds on which the disciplinary action is taken; (iii) the particulars of conduct claimed to support the grounds; and (b) a reasonable opportunity to respond to the information contained in the written notice.

## **Part 5 – Register of interests**

### **Division 1 – Disciplinary action against local government employees**

<b>Entity power given to</b>	<b>Section of LOGR</b>	<b>Description</b>
Chief Executive Officer	296	In certain circumstances, the power to inform the informed person.

## **CHAPTER 9 – OTHER PROVISIONS**

### **Part 3 – Delegation of powers**

<b>Entity power given to</b>	<b>Section of LOGR</b>	<b>Description</b>
Chief Executive Officer	305(2)	Power to consider it appropriate to include other information in the register.

### **Part 6 – Loss of local government asset**

<b>Entity power given to</b>	<b>Section of LOGR</b>	<b>Description</b>
Chief Executive Officer	307A(1)(b)	Power to form reasonable suspicion that there has been a reportable loss of an asset belonging to the local government.
Chief Executive Officer	307A(3)	Power to be satisfied the material loss is also a reportable loss and power to advise the person specified in subsection (3) as soon as practicable but not more than 6 months after the CEO becomes aware of the loss.

## **SCHEDULE 4 – PRICING PROVISIONS**

<b>Entity power given to</b>	<b>Section of LOGR</b>	<b>Description</b>
Local Government	10(2)	Power to decide the amount for the return on the capital used by a local government in conducting a relevant activity.
Local Government	10(2)	Power to form the opinion that a rate is comparable to the rate which a private sector business conducting the activity would be able to obtain the capital in the market.

Local Government	10(3)	Power to consider appropriate, for the type of business activity, the split between equity and loan capital and the return appropriate to each.
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## **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.

[2020 10 12 - LOGR - 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 (section 9(3) LGA 2009); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
  - 
  - a. impact on land and/or sea; and/or
  - b. involve payment of compensation regarding land; and/or
  - c. require a budget amendment.

# **INSTRUMENT OF DELEGATION**

## **Torres Strait Island Regional Council** ***Mineral Resources Act 1989 ("MIRA")***

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.

**Mineral Resources Act 1989 ("MIRA")****CHAPTER 2 – PROSPECTING PERMITS****Part 1 – Prospecting Permit Categories and Entitlements**

Entity power given to	Section of MIRA	Description
Owner of a Reserve	19(1)	In the specified circumstances, the power to give written consent to a parcel prospecting permit holder entering the surface of a reserve for prospecting purposes.
Owner of Occupied Land	19(2)	In the specified circumstances, the power to give written consent to a district prospecting permit holder entering the surface of occupied land.
Owner of Occupied Land	19(3)	In the specified circumstances, the power to give written consent to a prospecting permit holder entering occupied land for hand mining only.
Occupier of Land	20(3)	In the specified circumstances, the power to give a prospecting permit holder consent to enter land.
Owner or Occupier of Land	20(6)	In the specified circumstances, the power to, by written notice given to a prospecting permit holder and the mining registrar, amend or withdraw a consent given for land.

**Part 2 – Other Provisions About Prospecting Permits**

Entity power given to	Section of MIRA	Description
Owner of any Land	26(3)	Power to apply in writing to the mining registrar to rectify damage referred to in section 26(1) of the <i>Mineral Resources Act 1989</i> that has been caused by an activity allegedly authorised under a prospecting permit in respect of the land.
Owner of Occupied Land	26(9)(a)(i)	In the specified circumstances, the power to give the mining registrar written approval to refund the security.
Owner of Land	32(2)	Power to accept a shorter time period within which notice must be given by a parcel prospecting permit holder before entry to the land.
Owner of Land	34(1)	In the specified circumstances, the power to report to the chief executive.
Owner of Land or Agent	46(1)(b)	In the specified circumstances, the power to ask that a person purporting to enter or be upon land under the authority of a prospecting permit, produce the prospecting permit.
Owner of Occupied Land	47(1)	In the specified circumstances, the power to give written consent to a person, entitled to enter occupied land under a district prospecting permit, entering the land at night.
Owner of Occupied Land	47(2)	In the specified circumstances, the power to give written consent to a person, entitled to enter occupied land under a parcel prospecting permit, entering the land at night.
Occupier of Land	47(4)	In the specified circumstances, the power to give consent.

## CHAPTER 3 – MINING CLAIMS

Entity power given to	Section of MIRA	Description
Owner of Restricted Land	51(2)(a)	In the specified circumstances, the power to give written consent to an application for a mining claim over the surface of restricted land being lodged.
Owner of Reserve	54(a)	In the specified circumstances, the power to give consent to the granting of a mining claim over a reserve.
Owner of Land	65(1)(a)	In the specified circumstances, the power to give the chief executive a written request for a conference.
Relevant Local Government	71(1)	Lodge a written objection in the approved form to an application for a mining claim.
Owner of Land	71(2)	In the specified circumstances and within the specified time periods, the power to lodge an objection to an application for a mining claim.
Objector	71A(1)	To withdraw an objection to an application for a mining claim by giving written notice of the withdrawal.
Owner of Land	85(1)(a)	In the specified circumstances, the power to agree with the applicant for a mining claim on an amount of compensation.
Interested Party	85(4)	In the specified circumstances, the power to apply in writing to the Land Court.
Owner of Land	125(9)(a)(i)	In the specified circumstances, the power to give written consent to an application under section 125 of the <i>Mineral Resources Act 1989</i> being lodged.
Owner of Land	125(10)	In the specified circumstances, the power to agree with a mining claim holder on compensation payable in respect of the proposed use of the land as access in respect of the mining claim.

## CHAPTER 4 – EXPLORATION PERMITS

### Part 1 – Preliminary

Entity power given to	Section of MIRA	Description
Owner of Restricted Land	129(3)(a)	In the specified circumstances, the power to give written consent to a person entering the surface of the restricted land.
Owner of Reserve	129(6)	In the specified circumstances, the power to withdraw consent given under section 129(1)(a)(ii) of the <i>Mineral Resources Act 1989</i> by giving written notice to the chief executive.

### Part 4 – Other Provisions About Exploration Permit

Owner of Land or Agent	167(1)(b)	In the specified circumstances, the power to ask that a person purporting to enter or be on land under the authority of an exploration permit to produce the exploration permit or a copy of the exploration permit.
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## CHAPTER 5 – MINERAL DEVELOPMENT LICENCES

### Part 1 – Mineral Development Licences Generally

Entity power given to	Section of MIRA	Description
Owner of Land	190(7)	In the specified circumstances, the power to lodge a claim for rectification of actual damage to land caused under the authority, or purported authority, of a mineral development licence.
Owner of Land	190(8)(a)	In the specified circumstances, the power to certify that there is no actual damage to land that should be rectified.
Owner of Land or Agent	216(1)(b)	In the specified circumstances, the power to ask that a person purporting to enter or be on land under the authority of a mineral development licence to produce the mineral development licence or a copy of the mineral development licence.

## CHAPTER 6 – MINING LEASES

### Part 1 – Mining Leases Generally

Entity power given to	Section of MIRA	Description
Owner of Land	237(2)(d)(i)	In the specified circumstances, the power to consent to an application to conduct drilling and other activities on land not included in the surface area covered under a mining lease.
Owner of Land	237(2)(d)(ii)	In the specified circumstances, the power to agree with the mining lease holder about the compensation payable for the activities.
Owner of Restricted Land	238(1)(a)	Power to give written consent to a mining lease application.
Affected Person	260(1)	Power to lodge an objection in writing in an approved form before the objection date for the application of a mining lease.
Objector	260(4)	Power to serve a copy of the objection lodged by the objector in respect of an application for a grant of a mining lease.
Owner of Land	261(1)	In the specified circumstances, the power to withdraw an objection to an application for a grant of a mining lease.
Owner of Restricted Land	275A(2)(a)	In the specified circumstances, the power to consent in writing to an application to include the surface of restricted land for the mining lease in the mining lease.
Owner of Land	279(1)(a)	In the specified circumstances, the power to agree with a mining lease holder on compensation.
Owner of Land	280(1)	In the specified circumstances, the power to agree with the holder of a mining lease as to compensation for any damage caused to the surface of the land.
Person who could be party to an agreement under section 279 or 280	281(1)	In the specified circumstances, the power to apply in writing to the Land Court to have the Land Court determine compensation.
Owner of Land	283A(2)	In the specified circumstances, the power to agree to amend the original compensation (the <b>amended agreement</b> ).

Owner of Land	317(10)	In the specified circumstances, the power to agree with the holder of a mining lease on compensation payable in respect of the proposed use of the land as access in respect of a mining lease.
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## CHAPTER 12A – PROVISIONS ABOUT WATER FOR MINERAL DEVELOPMENT LICENCES AND MINING LEASES

### Part 4 – Water monitoring bores

#### Division 1 – Transfer of water monitoring bores

Entity power given to	Section of MIRA	Description
Owner of a Water Monitoring Bore	334ZZO(1)	Power to transfer the bore to a landowner in the specified circumstances.
Land Owner	334ZZO(2)(b)	Power to consent to the transfer.
Owner of a Water Monitoring Bore	334ZZP(1)	In the specified circumstances, the power to transfer the bore to the State.
Owner of a Water Monitoring Bore	334ZZQ(1)	In the specified circumstances, the power to transfer the bore to a holder of a mineral development licence, mining lease or water monitoring authority.

## CHAPTER 13 – ADMINISTRATION AND JUDICIAL FUNCTIONS




**Part 4 – Remediation of abandoned mine sites and rehabilitation of final rehabilitation sites**

Entity power given to	Section of MIRA	Description
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**Division 2 – Authorisation to carry out remediation activities or rehabilitation activities**

Owner or Occupier	344G(4)	Power to give consent to the authorised person to enter the land and to sign an acknowledgement of consent
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**Division 3 – Compensation**

Owner of Land	345(1)(a)	In the specified circumstances, the power to enter into a compensation agreement with the holder of an environmental authority who is authorised under section 344A(3) to enter land.
Owner of Land	345(3)	Power to apply in writing to the Chief Executive to have the Land Court decide the amount of compensation and the terms, conditions and times of its payment payable under section 345(1)(a)

**CHAPTER 14 – MISCELLANEOUS**

Entity power given to	Section of MIRA	Description
Owner of Land	403(1)(e)	In the specified circumstances, the power to authorise a person to enter, be upon, use, occupy, or erect any building or structure on or make any other improvement to land.

**SCHEDULE 1 – CONDITIONS OF CARRYING OUT ACTIVITY FOR BOUNDARY DEFINITION PURPOSES**

Entity power given to	Section of MIRA	Description
Owner of Occupier of Restricted Land	2(1)(a)	Power to give written consent to enter restricted land.
Owner of Land	3(1)(a)	Power to give written consent for a person to enter occupied land.
Occupier of Occupied Land	3(3)	In certain circumstances, power to give consent to a person to enter occupied land.
Owner of Reserve	4(1)(b)	Power to impose reasonable and relevant conditions on entry by a person under section 386V to the surface of a reserve.

## **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.

[2020 07 01 - MIRA - 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 MINERAL RESOURCES ACT 1989 ("MIRA")

## CHAPTER 2 – PROSPECTING PERMITS

### Part 1 – Prospecting Permit Categories and Entitlements

Entity power given to	Section of MIRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Owner of a Reserve	19(1)	In the specified circumstances, the power to give written consent to a parcel prospecting permit holder entering the surface of a reserve for prospecting purposes.	N/A			
Owner of Occupied Land	19(2)	In the specified circumstances, the power to give written consent to a district prospecting permit holder entering the surface of occupied land.	N/A			
Owner of Occupied Land	19(3)	In the specified circumstances, the power to give written consent to a prospecting permit holder entering occupied land for hand mining only.	Delegation of this power to be made on a case-by-case basis only.			
Occupier of Land	20(3)	In the specified circumstances, the power to give a prospecting permit holder consent to enter land.	23 February 2021; Trustee resolution 8 December 2020			Subject to consultation with the Mayor and Divisional Councillor
Owner or Occupier of Land	20(6)	In the specified circumstances, the power to, by written notice given to a prospecting permit holder and the mining registrar, amend or withdraw a consent given for land.	Delegation of this power to be made on a case-by-case basis only.			

## Part 2 – Other Provisions About Prospecting Permits

Entity power given to	Section of MIRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Owner of any Land	26(3)	Power to apply in writing to the mining registrar to rectify damage referred to in section 26(1) of the <i>Mineral Resources Act 1989</i> that has been caused by an activity allegedly authorised under a prospecting permit in respect of the land.	23 February 2021; Trustee resolution 8 December 2020			Subject to consultation with the Mayor and Divisional Councillor
Owner of Occupied Land	26(9)(a)(i)	In the specified circumstances, the power to give the mining registrar written approval to refund the security.	Delegation of this power to be made on a case-by-case basis only.			
Owner of Land	32(2)	Power to accept a shorter time period within which notice must be given by a parcel prospecting permit holder before entry to the land.	Delegation of this power to be made on a case-by-case basis only.			
Owner of Land	34(1)	In the specified circumstances, the power to report to the chief executive.	23 February 2021; Trustee resolution 8 December 2020			Subject to consultation with the Mayor and Divisional Councillor
Owner of Land or Agent	46(1)(b)	In the specified circumstances, the power to ask that a person purporting to enter or be upon land under the authority of a prospecting permit, produce the prospecting permit.	23 February 2021; Trustee resolution 8 December 2020			Subject to consultation with the Mayor and Divisional Councillor
Owner of Occupied Land	47(1)	In the specified circumstances, the power to give written consent to a person, entitled to enter occupied land under a district prospecting permit, entering the land at night.	23 February 2021; Trustee resolution 8 December 2020			Subject to consultation with the Mayor and Divisional Councillor
Owner of Occupied Land	47(2)	In the specified circumstances, the power to give written consent to a person, entitled to enter occupied land under a parcel	23 February 2021; Trustee resolution 8 December 2020			Subject to consultation with the Mayor and

		prospecting permit, entering the land at night.				Divisional Councillor
Occupier of Land	47(4)	In the specified circumstances, the power to give consent.	23 February 2021; Trustee resolution 8 December 2020			Subject to consultation with the Mayor and Divisional Councillor

### CHAPTER 3 – MINING CLAIMS

Entity power given to	Section of MIRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Owner of Restricted Land	51(2)(a)	In the specified circumstances, the power to give written consent to an application for a mining claim over the surface of restricted land being lodged.	N/A			
Owner of Reserve	54(a)	In the specified circumstances, the power to give consent to the granting of a mining claim over a reserve.	N/A			
Owner of Land	65(1)(a)	In the specified circumstances, the power to give the chief executive a written request for a conference.	23 February 2021; Trustee resolution 8 December 2020			Subject to consultation with the Mayor and Divisional Councillor
Relevant Local Government	71(1)	Lodge a written objection in the approved form to an application for a mining claim.	N/A			
Owner of Land	71(2)	In the specified circumstances and within the specified time periods, the power to lodge an objection to an application for a mining claim.	23 February 2021; Trustee resolution 8 December 2020			Subject to consultation with the Mayor and Divisional Councillor

Objector	71A(1)	To withdraw an objection to an application for a mining claim by giving written notice of the withdrawal.	23 February 2021; Trustee resolution 8 December 2020			Subject to consultation with the Mayor and Divisional Councillor
Owner of Land	85(1)(a)	In the specified circumstances, the power to agree with the applicant for a mining claim on an amount of compensation.	N/A			
Interested Party	85(4)	In the specified circumstances, the power to apply in writing to the Land Court.	23 February 2021; Trustee resolution 8 December 2020			Subject to consultation with the Mayor and Divisional Councillor
Owner of Land	125(9)(a)(i)	In the specified circumstances, the power to give written consent to an application under section 125 of the <i>Mineral Resources Act 1989</i> being lodged.	23 February 2021; Trustee resolution 8 December 2020			Subject to consultation with the Mayor and Divisional Councillor
Owner of Land	125(10)	In the specified circumstances, the power to agree with a mining claim holder on compensation payable in respect of the proposed use of the land as access in respect of the mining claim.	N/A			

## CHAPTER 4 – EXPLORATION PERMITS

### Part 1 – Preliminary

Entity power given to	Section of MIRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Owner of Restricted Land	129(3)(a)	In the specified circumstances, the power to give written consent to a person entering the surface of the restricted land.	23 February 2021; Trustee resolution 8 December 2020			Subject to consultation with the Mayor and Divisional Councillor

Owner of Reserve	129(6)	In the specified circumstances, the power to withdraw consent given under section 129(1)(a)(ii) of the <i>Mineral Resources Act 1989</i> by giving written notice to the chief executive.	23 February 2021; Trustee resolution 8 December 2020			Subject to consultation with the Mayor and Divisional Councillor
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#### **Part 4 – Other Provisions About Exploration Permit**

Owner of Land or Agent	167(1)(b)	In the specified circumstances, the power to ask that a person purporting to enter or be on land under the authority of an exploration permit to produce the exploration permit or a copy of the exploration permit.	23 February 2021; Trustee resolution 8 December 2020			Subject to consultation with the Mayor and Divisional Councillor
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### **CHAPTER 5 – MINERAL DEVELOPMENT LICENCES**

#### **Part 1 – Mineral Development Licences Generally**

Entity power given to	Section of MIRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Owner of Land	190(7)	In the specified circumstances, the power to lodge a claim for rectification of actual damage to land caused under the authority, or purported authority, of a mineral development licence.	23 February 2021; Trustee resolution 8 December 2020			Subject to consultation with the Mayor and Divisional Councillor
Owner of Land	190(8)(a)	In the specified circumstances, the power to certify that there is no actual damage to land that should be rectified.	23 February 2021; Trustee resolution 8 December 2020			Subject to consultation with the Mayor and Divisional Councillor
Owner of Land or Agent	216(1)(b)	In the specified circumstances, the power to ask that a person purporting to enter or be on land under the authority of a mineral development licence to produce the mineral development licence or a copy of the mineral development licence.	23 February 2021; Trustee resolution 8 December 2020			Subject to consultation with the Mayor and Divisional Councillor

## CHAPTER 6 – MINING LEASES

### Part 1 – Mining Leases Generally

Entity power given to	Section of MIRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Owner of Land	237(2)(d)(i)	In the specified circumstances, the power to consent to an application to conduct drilling and other activities on land not included in the surface area covered under a mining lease.	N/A			
Owner of Land	237(2)(d)(ii)	In the specified circumstances, the power to agree with the mining lease holder about the compensation payable for the activities.	N/A			
Owner of Restricted Land	238(1)(a)	Power to give written consent to a mining lease application.	N/A			
Affected Person	260(1)	Power to lodge an objection in writing in an approved form before the objection date for the application of a mining lease.	23 February 2021; Trustee resolution 8 December 2020			Subject to consultation with the Mayor and Divisional Councillor
Objector	260(4)	Power to serve a copy of the objection lodged by the objector in respect of an application for a grant of a mining lease.	23 February 2021; Trustee resolution 8 December 2020			Subject to consultation with the Mayor and Divisional Councillor
Owner of Land	261(1)	In the specified circumstances, the power to withdraw an objection to an application for a grant of a mining lease.	23 February 2021; Trustee resolution 8 December 2020			Subject to consultation with the Mayor and Divisional Councillor

Owner of Restricted Land	275A(2)(a)	In the specified circumstances, the power to consent in writing to an application to include the surface of restricted land for the mining lease in the mining lease.	N/A			
Owner of Land	279(1)(a)	In the specified circumstances, the power to agree with a mining lease holder on compensation.	N/A			
Owner of Land	280(1)	In the specified circumstances, the power to agree with the holder of a mining lease as to compensation for any damage caused to the surface of the land.	N/A			
Person who could be party to an agreement under section 279 or 280	281(1)	In the specified circumstances, the power to apply in writing to the Land Court to have the Land Court determine compensation.	23 February 2021; Trustee resolution 8 December 2020			Subject to consultation with the Mayor and Divisional Councillor
Owner of Land	283A(2)	In the specified circumstances, the power to agree to amend the original compensation (the <b><i>amended agreement</i></b> ).	N/A			
Owner of Land	317(10)	In the specified circumstances, the power to agree with the holder of a mining lease on compensation payable in respect of the proposed use of the land as access in respect of a mining lease.	N/A			

## CHAPTER 12A – PROVISIONS ABOUT WATER FOR MINERAL DEVELOPMENT LICENCES AND MINING LEASES

### Part 4 – Water monitoring bores

#### Division 1 – Transfer of water monitoring bores

Entity power given to	Section of MIRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Owner of a Water Monitoring Bore	334ZZO(1)	Power to transfer the bore to a landowner in the specified circumstances.	N/A			
Land Owner	334ZZO(2)(b)	Power to consent to the transfer.	N/A			
Owner of a Water Monitoring Bore	334ZZP(1)	In the specified circumstances, the power to transfer the bore to the State.	N/A			
Owner of a Water Monitoring Bore	334ZZQ(1)	In the specified circumstances, the power to transfer the bore to a holder of a mineral development licence, mining lease or water monitoring authority.	N/A			

## CHAPTER 13 – ADMINISTRATION AND JUDICIAL FUNCTIONS



**Part 4 – Remediation of abandoned mine sites and rehabilitation of final rehabilitation sites**

Entity power given to	Section of MIRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
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**Division 2 – Authorisation to carry out remediation activities or rehabilitation activities**

Owner or Occupier	344G(4)	Power to give consent to the authorised person to enter the land and to sign an acknowledgement of consent	23 February 2021; Trustee resolution 8 December 2020			Subject to consultation with the Mayor and Divisional Councillor
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**Division 3 – Compensation**

Owner of Land	345(1)(a)	In the specified circumstances, the power to enter into a compensation agreement with the holder of an environmental authority who is authorised under section 344A(3) to enter land.	N/A			
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Owner of Land	345(3)	Power to apply in writing to the Chief Executive to have the Land Court decide the amount of compensation and the terms, conditions and times of its payment payable under section 345(1)(a)	23 February 2021; Trustee resolution 8 December 2020			Subject to consultation with the Mayor and Divisional Councillor
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## CHAPTER 14 – MISCELLANEOUS

Entity power given to	Section of MIRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Owner of Land	403(1)(e)	In the specified circumstances, the power to authorise a person to enter, be upon, use, occupy, or erect any building or structure on or make any other improvement to land.	N/A			

## SCHEDULE 1 – CONDITIONS OF CARRYING OUT ACTIVITY FOR BOUNDARY DEFINITION PURPOSES

Entity power given to	Section of MIRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Owner of Occupier of Restricted Land	2(1)(a)	Power to give written consent to enter restricted land.	23 February 2021; Trustee resolution 8 December 2020			Subject to consultation with the Mayor and Divisional Councillor
Owner of Land	3(1)(a)	Power to give written consent for a person to enter occupied land.	23 February 2021; Trustee resolution 8 December 2020			Subject to consultation with the Mayor and Divisional Councillor
Occupier of Occupied Land	3(3)	In certain circumstances, power to give consent to a person to enter occupied land.	23 February 2021; Trustee resolution 8 December 2020			Subject to consultation with the Mayor and

						Divisional Councillor
Owner of Reserve	4(1)(b)	Power to impose reasonable and relevant conditions on entry by a person under section 386V to the surface of a reserve.	23 February 2021; Trustee resolution 8 December 2020			Subject to consultation with the Mayor and Divisional Councillor

[2020 07 01 - MIRA - Delegation Table]

# INSTRUMENT OF SUB-DELEGATION

**Torres Strait Island Regional Council**  
*Mineral Resources Act 1989 ("MIRA")*

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                      2020.

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

## Schedule 1

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

## POWERS SUB-DELEGATED

### *Mineral Resources Act 1989 ("MIRA")*

#### CHAPTER 2 – PROSPECTING PERMITS

##### Part 1 – Prospecting Permit Categories and Entitlements

Entity power given to	Section of MIRA	Description
Owner of a Reserve	19(1)	In the specified circumstances, the power to give written consent to a parcel prospecting permit holder entering the surface of a reserve for prospecting purposes.
Owner of Occupied Land	19(2)	In the specified circumstances, the power to give written consent to a district prospecting permit holder entering the surface of occupied land.
Owner of Occupied Land	19(3)	In the specified circumstances, the power to give written consent to a prospecting permit holder entering occupied land for hand mining only.
Occupier of Land	20(3)	In the specified circumstances, the power to give a prospecting permit holder consent to enter land.
Owner or Occupier of Land	20(6)	In the specified circumstances, the power to, by written notice given to a prospecting permit holder and the mining registrar, amend or withdraw a consent given for land.

##### Part 2 – Other Provisions About Prospecting Permits

Entity power given to	Section of MIRA	Description
Owner of any Land	26(3)	Power to apply in writing to the mining registrar to rectify damage referred to in section 26(1) of the <i>Mineral Resources Act 1989</i> that has been caused by an activity allegedly authorised under a prospecting permit in respect of the land.
Owner of Occupied Land	26(9)(a)(i)	In the specified circumstances, the power to give the mining registrar written approval to refund the security.
Owner of Land	32(2)	Power to accept a shorter time period within which notice must be given by a parcel prospecting permit holder before entry to the land.
Owner of Land	34(1)	In the specified circumstances, the power to report to the chief executive.
Owner of Land or Agent	46(1)(b)	In the specified circumstances, the power to ask that a person purporting to enter or be upon land under the authority of a prospecting permit, produce the prospecting permit.
Owner of Occupied Land	47(1)	In the specified circumstances, the power to give written consent to a person, entitled to enter occupied land under a district prospecting permit, entering the land at night.
Owner of Occupied Land	47(2)	In the specified circumstances, the power to give written consent to a person, entitled to enter occupied land under a parcel prospecting permit, entering the land at night.
Occupier of Land	47(4)	In the specified circumstances, the power to give consent.

## CHAPTER 3 – MINING CLAIMS

Entity power given to	Section of MIRA	Description
Owner of Restricted Land	51(2)(a)	In the specified circumstances, the power to give written consent to an application for a mining claim over the surface of restricted land being lodged.
Owner of Reserve	54(a)	In the specified circumstances, the power to give consent to the granting of a mining claim over a reserve.
Owner of Land	65(1)(a)	In the specified circumstances, the power to give the chief executive a written request for a conference.
Relevant Local Government	71(1)	Lodge a written objection in the approved form to an application for a mining claim.
Owner of Land	71(2)	In the specified circumstances and within the specified time periods, the power to lodge an objection to an application for a mining claim.
Objector	71A(1)	To withdraw an objection to an application for a mining claim by giving written notice of the withdrawal.
Owner of Land	85(1)(a)	In the specified circumstances, the power to agree with the applicant for a mining claim on an amount of compensation.
Interested Party	85(4)	In the specified circumstances, the power to apply in writing to the Land Court.
Owner of Land	125(9)(a)(i)	In the specified circumstances, the power to give written consent to an application under section 125 of the <i>Mineral Resources Act 1989</i> being lodged.
Owner of Land	125(10)	In the specified circumstances, the power to agree with a mining claim holder on compensation payable in respect of the proposed use of the land as access in respect of the mining claim.

## CHAPTER 4 – EXPLORATION PERMITS

### Part 1 – Preliminary

Entity power given to	Section of MIRA	Description
Owner of Restricted Land	129(3)(a)	In the specified circumstances, the power to give written consent to a person entering the surface of the restricted land.
Owner of Reserve	129(6)	In the specified circumstances, the power to withdraw consent given under section 129(1)(a)(ii) of the <i>Mineral Resources Act 1989</i> by giving written notice to the chief executive.

### Part 4 – Other Provisions About Exploration Permit

Owner of Land or Agent	167(1)(b)	In the specified circumstances, the power to ask that a person purporting to enter or be on land under the authority of an exploration permit to produce the exploration permit or a copy of the exploration permit.
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## CHAPTER 5 – MINERAL DEVELOPMENT LICENCES

### Part 1 – Mineral Development Licences Generally

Entity power given to	Section of MIRA	Description
Owner of Land	190(7)	In the specified circumstances, the power to lodge a claim for rectification of actual damage to land caused under the authority, or purported authority, of a mineral development licence.
Owner of Land	190(8)(a)	In the specified circumstances, the power to certify that there is no actual damage to land that should be rectified.
Owner of Land or Agent	216(1)(b)	In the specified circumstances, the power to ask that a person purporting to enter or be on land under the authority of a mineral development licence to produce the mineral development licence or a copy of the mineral development licence.

## CHAPTER 6 – MINING LEASES

### Part 1 – Mining Leases Generally

Entity power given to	Section of MIRA	Description
Owner of Land	237(2)(d)(i)	In the specified circumstances, the power to consent to an application to conduct drilling and other activities on land not included in the surface area covered under a mining lease.
Owner of Land	237(2)(d)(ii)	In the specified circumstances, the power to agree with the mining lease holder about the compensation payable for the activities.
Owner of Restricted Land	238(1)(a)	Power to give written consent to a mining lease application.
Affected Person	260(1)	Power to lodge an objection in writing in an approved form before the objection date for the application of a mining lease.
Objector	260(4)	Power to serve a copy of the objection lodged by the objector in respect of an application for a grant of a mining lease.
Owner of Land	261(1)	In the specified circumstances, the power to withdraw an objection to an application for a grant of a mining lease.
Owner of Restricted Land	275A(2)(a)	In the specified circumstances, the power to consent in writing to an application to include the surface of restricted land for the mining lease in the mining lease.
Owner of Land	279(1)(a)	In the specified circumstances, the power to agree with a mining lease holder on compensation.
Owner of Land	280(1)	In the specified circumstances, the power to agree with the holder of a mining lease as to compensation for any damage caused to the surface of the land.
Person who could be party to an agreement under section 279 or 280	281(1)	In the specified circumstances, the power to apply in writing to the Land Court to have the Land Court determine compensation.
Owner of Land	283A(2)	In the specified circumstances, the power to agree to amend the original compensation (the <b>amended agreement</b> ).

Owner of Land	317(10)	In the specified circumstances, the power to agree with the holder of a mining lease on compensation payable in respect of the proposed use of the land as access in respect of a mining lease.
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## CHAPTER 12A – PROVISIONS ABOUT WATER FOR MINERAL DEVELOPMENT LICENCES AND MINING LEASES

### Part 4 – Water monitoring bores

#### Division 1 – Transfer of water monitoring bores

Entity power given to	Section of MIRA	Description
Owner of a Water Monitoring Bore	334ZZO(1)	Power to transfer the bore to a landowner in the specified circumstances.
Land Owner	334ZZO(2)(b)	Power to consent to the transfer.
Owner of a Water Monitoring Bore	334ZZP(1)	In the specified circumstances, the power to transfer the bore to the State.
Owner of a Water Monitoring Bore	334ZZQ(1)	In the specified circumstances, the power to transfer the bore to a holder of a mineral development licence, mining lease or water monitoring authority.

## CHAPTER 13 – ADMINISTRATION AND JUDICIAL FUNCTIONS




**Part 4 – Remediation of abandoned mine sites and rehabilitation of final rehabilitation sites**

Entity power given to	Section of MIRA	Description
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**Division 2 – Authorisation to carry out remediation activities or rehabilitation activities**

Owner or Occupier	344G(4)	Power to give consent to the authorised person to enter the land and to sign an acknowledgement of consent
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**Division 3 – Compensation**

Owner of Land	345(1)(a)	In the specified circumstances, the power to enter into a compensation agreement with the holder of an environmental authority who is authorised under section 344A(3) to enter land.
Owner of Land	345(3)	Power to apply in writing to the Chief Executive to have the Land Court decide the amount of compensation and the terms, conditions and times of its payment payable under section 345(1)(a)

**CHAPTER 14 – MISCELLANEOUS**

Entity power given to	Section of MIRA	Description
Owner of Land	403(1)(e)	In the specified circumstances, the power to authorise a person to enter, be upon, use, occupy, or erect any building or structure on or make any other improvement to land.

**SCHEDULE 1 – CONDITIONS OF CARRYING OUT ACTIVITY FOR BOUNDARY DEFINITION PURPOSES**

Entity power given to	Section of MIRA	Description
Owner of Occupier of Restricted Land	2(1)(a)	Power to give written consent to enter restricted land.
Owner of Land	3(1)(a)	Power to give written consent for a person to enter occupied land.
Occupier of Occupied Land	3(3)	In certain circumstances, power to give consent to a person to enter occupied land.
Owner of Reserve	4(1)(b)	Power to impose reasonable and relevant conditions on entry by a person under section 386V to the surface of a reserve.

## **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.

[2020 07 01 - MIRA - 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 (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.	18 March 2021			
Local Government	34	In the specified circumstances, the power to grant an application for a licence only if satisfied.	18 March 2021			
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.	18 March 2021			
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.	18 March 2021			
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	18 March 2021			

		(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.	18 March 2021			
Local Government	38(2)	In the specified circumstances, the power to immediately give the applicant an information notice for the decision.	18 March 2021			
Local Government	38(3)	In the specified circumstances, the power to immediately give the applicant an information notice for the decision.	18 March 2021			
Local Government	39(4)	In the specified circumstances, the power to give an information notice to an applicant for the decision.	18 March 2021			
Local Government	40(2)	Power to decide an earlier date a licence ends.	18 March 2021			
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.	18 March 2021			
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.	18 March 2021			

Local Government	41(3)	In the specified circumstances, the power to immediately give a licensee an information notice for the decision.	18 March 2021			
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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.	18 March 2021			
Local Government	44(5)	In the specified circumstances, the power to have regard to the specified matters.	18 March 2021			
Local Government	44(6)	In the specified circumstances, the power to immediately give the licensee an information notice for the decision.	18 March 2021			
Local Government	44(7)	In the specified circumstances, the power to immediately give the licensee an information notice for the decision.	18 March 2021			
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.	18 March 2021			

### 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.	18 March 2021			

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.	18 March 2021			
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.	18 March 2021			
Local Government	47(6)	In the specified circumstances, the power to immediately give the licensee an information notice for the decision.	18 March 2021			
Local Government	47(7)	In the specified circumstances, the power to immediately give the licensee an information notice for the decision.	18 March 2021			
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.	18 March 2021			

#### 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.	18 March 2021			
Local Government	49(4)	Power to grant an application for transfer of a licence only if satisfied of the specified criteria.	18 March 2021			
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	18 March 2021			

		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.	18 March 2021			
Local Government	49(7)	In the specified circumstances, the power to immediately give a transferee an information notice for the decision.	18 March 2021			
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.	18 March 2021			

#### 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.	18 March 2021			
Local Government	52(1)	IPower to form the belief a ground exists to suspend or cancel a licence.	18 March 2021			
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> ).	18 March 2021			
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.	18 March 2021			

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.	18 March 2021			
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.	18 March 2021			
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.	18 March 2021			
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.	18 March 2021			
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.	18 March 2021			
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.	18 March 2021			

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.	18 March 2021			
Local Government	56(2)(c)(i)	Power to cancel the remaining period of a suspension.	18 March 2021			

#### 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.	18 March 2021			
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.	18 March 2021			
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.	18 March 2021			
Local Government	62(4)	In the specified circumstances, the power to immediately give the applicant an information notice for the decision.	18 March 2021			

#### 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	18 March 2021			

		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.	18 March 2021			
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.	18 March 2021			
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.	18 March 2021			
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).	18 March 2021			

## 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.	18 March 2021			
Local Government	70(1)	In the specified circumstances, the power to consent to an employee of the local government being appointed as an	18 March 2021			

		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.	18 March 2021			
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.	18 March 2021			

### 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.	18 March 2021			
Local Government	105(2)	Power to recover monitoring costs by charging business proprietors reasonable fees for inspections carried out.	18 March 2021			

## 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.	18 March 2021			

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.	18 March 2021			
Local Government	122(2)	Power to immediately give the applicant notice of the review decision (the <b>review notice</b> ).	18 March 2021			

## 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.	18 March 2021			
Local Government	140(2)	In the specified circumstances, the power to destroy a forfeited thing.	18 March 2021			

## 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.	18 March 2021			

**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.	18 March 2021			
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.	18 March 2021			
Local Government	155(2)	In the specified circumstances, the power to issue a single licence to cover all the premises.	18 March 2021			

[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** ***Public Interest Disclosure Act 2010 ("PIDA")***

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

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

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

***Public Interest Disclosure Act 2010 ("PIDA")*****CHAPTER 3 – OBLIGATIONS OF ENTITIES TO WHOM DISCLOSURES MAY BE MADE****Part 2 – Public sector entities**

<b>Entity power given to</b>	<b>Section of PIDA</b>	<b>Description</b>
Public Sector Entity	30(1)	Power to decide not to investigate or deal with a public interest disclosure having regard to matters outlined in section 30(1)(a)-(d).
Public Sector Entity	30(1)(b)	Power to reasonably consider that the disclosure should be dealt with by another appropriate process.
Public Sector Entity	30(1)(d)	Power to reasonably consider that the disclosure is too trivial to warrant investigation and that dealing with the disclosure would substantially and unreasonably divert the resources of the entity from their use by the entity in the performance of its functions.
Public Sector Entity	30(2)	Power to give written reasons for its decision.
Public Sector Entity	30(3)	Power to review decision.
Public Sector Entity	31(1)	Power to refer public interest disclosure to another public sector entity.
Public Sector Entity	31(3)	Power to consider there is an unacceptable risk that a reprisal would happen because of a referral.
Public Sector Entity	31(4)	Power to consult with the person who made the public interest disclosure.
Public Sector Entity	32(1)	In certain circumstances, power to give reasonable information about the disclosure.
Public Sector Entity	32(4)	Power to decide that giving information would be likely to adversely affect matters set out in section 32(4)(a)-(c).

**CHAPTER 5 – OVERSIGHT AGENCY**

<b>Entity power given to</b>	<b>Section of PIDA</b>	<b>Description</b>
Public Sector Entity	60(3)	Power to consult with the oversight agency.

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

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

[2017 03 01 - PIDA - Delegation Instrument]

### **Conditions imposed on all Delegations**

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

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

## DELEGABLE POWERS UNDER THE PUBLIC INTEREST DISCLOSURE ACT 2010 ("PIDA")

**Note:** Given the nature of the powers contained in PIDA, it is recommended that powers are not sub-delegated to officers other than the Chief Executive Officer.

### CHAPTER 3 – OBLIGATIONS OF ENTITIES TO WHOM DISCLOSURES MAY BE MADE

#### Part 2 – Public sector entities

Entity power given to	Section of PIDA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Public Sector Entity	30(1)	Power to decide not to investigate or deal with a public interest disclosure having regard to matters outlined in section 30(1)(a)-(d).	23 February 2021			It is recommended that this delegation is not sub-delegated below CEO
Public Sector Entity	30(1)(b)	Power to reasonably consider that the disclosure should be dealt with by another appropriate process.	23 February 2021			It is recommended that this delegation is not sub-delegated below CEO
Public Sector Entity	30(1)(d)	Power to reasonably consider that the disclosure is too trivial to warrant investigation and that dealing with the disclosure would substantially and unreasonably divert the resources of the entity from their use by the entity in the performance of its functions.	23 February 2021			It is recommended that this delegation is not sub-delegated below CEO
Public Sector Entity	30(2)	Power to give written reasons for its decision.	23 February 2021			It is recommended that this delegation is not sub-delegated below CEO

Public Sector Entity	30(3)	Power to review decision.	This power is given directly to the CEO.			It is recommended that this delegation is not sub-delegated below CEO
Public Sector Entity	31(1)	Power to refer public interest disclosure to another public sector entity.	23 February 2021			It is recommended that this delegation is not sub-delegated below CEO
Public Sector Entity	31(3)	Power to consider there is an unacceptable risk that a reprisal would happen because of a referral.	23 February 2021			It is recommended that this delegation is not sub-delegated below CEO
Public Sector Entity	31(4)	Power to consult with the person who made the public interest disclosure.	23 February 2021			It is recommended that this delegation is not sub-delegated below CEO
Public Sector Entity	32(1)	In certain circumstances, power to give reasonable information about the disclosure.	23 February 2021			It is recommended that this delegation is not sub-delegated below CEO
Public Sector Entity	32(4)	Power to decide that giving information would be likely to adversely affect matters set out in section 32(4)(a)-(c).	23 February 2021			It is recommended that this delegation is not sub-delegated below CEO

## CHAPTER 5 – OVERSIGHT AGENCY

Entity power given to	Section of PIDA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Public Sector Entity	60(3)	Power to consult with the oversight agency.	23 February 2021			It is recommended that this delegation is not sub-delegated below CEO

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[2017 03 01 - PIDA - Delegation Table]

# INSTRUMENT OF SUB-DELEGATION

**Torres Strait Island Regional Council**  
***Public Interest Disclosure Act 2010 ("PIDA")***

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 Interest Disclosure Act 2010 ("PIDA")*

#### CHAPTER 3 – OBLIGATIONS OF ENTITIES TO WHOM DISCLOSURES MAY BE MADE

##### Part 2 – Public sector entities

Entity power given to	Section of PIDA	Description
Public Sector Entity	30(1)	Power to decide not to investigate or deal with a public interest disclosure having regard to matters outlined in section 30(1)(a)-(d).
Public Sector Entity	30(1)(b)	Power to reasonably consider that the disclosure should be dealt with by another appropriate process.
Public Sector Entity	30(1)(d)	Power to reasonably consider that the disclosure is too trivial to warrant investigation and that dealing with the disclosure would substantially and unreasonably divert the resources of the entity from their use by the entity in the performance of its functions.
Public Sector Entity	30(2)	Power to give written reasons for its decision.
Public Sector Entity	30(3)	Power to review decision.
Public Sector Entity	31(1)	Power to refer public interest disclosure to another public sector entity.
Public Sector Entity	31(3)	Power to consider there is an unacceptable risk that a reprisal would happen because of a referral.
Public Sector Entity	31(4)	Power to consult with the person who made the public interest disclosure.
Public Sector Entity	32(1)	In certain circumstances, power to give reasonable information about the disclosure.
Public Sector Entity	32(4)	Power to decide that giving information would be likely to adversely affect matters set out in section 32(4)(a)-(c).

#### CHAPTER 5 – OVERSIGHT AGENCY

Entity power given to	Section of PIDA	Description
Public Sector Entity	60(3)	Power to consult with the oversight agency.

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

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

[2017 03 01 - PIDA - Sub-Delegation Instrument]

### **Conditions imposed on all Delegations**

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

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

# **INSTRUMENT OF DELEGATION**

## **Torres Strait Island Regional Council** ***Planning Act 2016 ("PLAA")*** ***Development Assessment Rules***

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.

## Development Assessment Rules under the Planning Act 2016 ("PLAA")

### Part 1 – Application

Entity power given to	Rule	Description
Assessment Manager	1.2	Power to decide a properly made application.
Assessment Manager	2.2	Power to give a confirmation notice.
Assessment Manager	3.1	Power to give an action notice.

### Part 2 – Referral

Entity power given to	Rule	Description
Referral Agency	6.2	Power to decide a properly made application.
Referral Agency	7.1	Power to give a confirmation notice.
Referral Agency	8.1	Power to give an action notice.
Referral Agency	9.2	Power to give a referral agency response.

### Part 3 – Information request

Entity power given to	Rule	Description
Assessment Authority	12.1	Power to make an information request.
Assessment Authority	12.5	Power to give advice about an information request.

### Part 4 – Public Notification

Entity power given to	Rule	Description
Assessment Manager	17.1	Power to publish, place or give a public notice pursuant to section 53(10) of the PA.
Assessment Manager	19.1	Power to accept a property made submission.

### Part 5 – Decision

Entity power given to	Rule	Description
Assessment Manager	22.2	Power to give a copy of a decision notice to each principal submitter.

Assessment Manager	23.1	Power to receive a notice from a concurrence agency.
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**Part 6 – Changes to the application and referral agency responses**

Entity power given to	Section of DEAR	Description
Assessment Manager	25.1	Power to give a notice of a changed application to a referral agency.
Assessment Manager	26.2(a)	Power to give a confirmation notice of receipt of a changed application.
Assessment Manager	26.2(c)	Power to give a notice that public notification is required with respect to the changed application.
Assessment Manager	26.3	Power to refer a changed application to a referral agency.
Concurrence Agency	28.1	Power to change a referral agency response to any changed application.
Concurrence Agency	28.3	Power to give a late referral agency response before a changed application is decided with the agreement of the applicant.
Concurrence Agency	28.4	Power to give an amended referral agency response to an assessment manager.

**Part 7 – Miscellaneous**

Entity power given to	Section of DEAR	Description
Referral Agency	29.6	Power to make an information request with respect to a missed referral agency application.
Assessment Manager	34.1	Power to request third party advice from a third party about an application.
Assessment Manager	35.1	Power to give a further advice to an applicant.

**SCHEDULE 1 – SUBSTANTIALLY DIFFERENT DEVELOPMENT**

Entity power given to	Section of DEAR	Description
Assessment Manager	1	Power to determine if a change to an application is a minor change.
Assessment Manager	2	Power to determine if a change would result in a substantially different development

## 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 - PLAA - Delegation Instrument – Development Assessment Rules -Torres Strait Island Regional Council]

### 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 Planning Act 2016 ("PLAA")

## CHAPTER 2 – PLANNING

### Part 3 – Local planning instruments

#### Division 2 – Making or amending planning schemes

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	18(1)	Power to propose to make or amend a planning scheme.	23 February 2021			This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.
Local Government	18(2)	Power to give notice of the proposed planning scheme or proposed amendment to the Chief Executive.	23 February 2021			This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.
Local Government	18(3)	Power to consult with the Chief Executive about the process for making or amending the planning scheme.	23 February 2021			This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.

Local Government	18(6)	Power to make or amend the planning scheme by following the process in the notice or amended notice.	23 February 2021			This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.
Local Government	19(1)	In certain circumstances, power to apply a planning scheme as a categorising instrument in relation to prescribed tidal works.	23 February 2021			
Local Government	20(2)	Power to amend a planning scheme by following the process in the Minister's rules, instead of complying with section 18.	23 February 2021			This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.
Local Government	21	In certain circumstances, power to follow the process in the Minister's rules for making or amending an LGIP.	23 February 2021			This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.
Local Government	22(1)	Power to amend a planning scheme policy by following the process in the Minister's rules.	23 February 2021			This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.

Local Government	23(1)	Power to make a TLPI if the local government and Minister decide – (a) there is significant risk of serious adverse cultural, economic, environmental or social conditions happening in the local government area; (b) the delay involved in using the process in sections 18 to 22 to make or amend another local planning instrument would increase the risk; and (c) the making of the TLPI would not adversely affect State interests.	23 February 2021			This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.
Local Government	23(2)	Power to amend a TLPI if the Minister decides the amendment of the TLPI would not adversely affect State interests.	23 February 2021			This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.
Local Government	24(5)	Power to repeal a TLPI by making, or amending, a planning scheme to specifically repeal the TLPI.	23 February 2021			This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.
Local Government	25(1)(a)	Power to review planning scheme.	23 February 2021			This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.

Local Government	25(1)(b)	Power to decide, based on that review, whether to amend or replace the planning scheme.	23 February 2021			This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.
Local Government	25(2)	Power to: (a) give written reasons for the decision to the Chief Executive; (b) publish a public notice in the approved form about the decision; and (c) keep a copy of the public notice in a conspicuous place in the local government's public office for a period of at least 40 business days after the notice is published.	23 February 2021			This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.
Local Government	25(3)	Power to undertake an LGIP review.	23 February 2021			This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.

**Division 3 – State powers for local planning instruments**

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	26(3)(c)	Power to make a submission to the Minister about taking the action.	23 February 2021			This delegation does not include any powers that are required to be

						exercised by Council pursuant to a resolution of Council.
Local Government	26(4)(a)	Power to take action in accordance with Minister's direction under a Notice.	23 February 2021			This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.
Local Government	26(4)(b)	Power to take other action in accordance with Minister's direction.	23 February 2021			This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.

**Part 4 – Superseded planning schemes**

**Division 1 – Applying superseded planning schemes**

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	29(4)(a)	Power to accept, assess and decide a development application (a superseded planning scheme application) under a superseded planning scheme.	23 February 2021			
Local Government	29(4)(b)	Power to apply a superseded planning scheme to the carrying out of development that was accepted development under the superseded planning scheme.	23 February 2021			

Local Government	29(6)	Power to decide whether or not to agree to a superseded planning scheme request within the period prescribed by, or extended as required under, the regulation.	23 February 2021			
Local Government	29(7)	Power to give a decision notice to the person who made the superseded planning scheme request.	23 February 2021			

### Division 2 – Compensation

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	30(5)	Power to prepare a report assessing feasible alternatives for reducing the risk stated in subsection (4)(e), including imposing development conditions on development approvals.	23 February 2021			
Local Government	32(1)(a)	Power to approve all or part of a compensation claim.	Delegation of this power to be made on a case-by-case basis only.			
Local Government	32(1)(b)	Power to refuse a compensation claim.	23 February 2021			
Local Government	32(1)(c)	Power to give a notice of intention to resume the affected owner's interest in premises under the Acquisition Act, section 7.	23 February 2021			
Local Government	32(2)	Power to decide to amend the planning scheme to allow premises to be used for the purposes that the premises could be used for under the superseded planning scheme.	23 February 2021			

Chief Executive Officer	32(3)	Power to give the affected owner: (a) notice of intention to resume; (b) a notice that states the local government's decision, any amount of compensation to be paid and the affected owner's appeal rights.	This power has been given directly to the Chief Executive Officer and so a delegation to the CEO is not required.			
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**Part 5 – Designation of premises for development of infrastructure**

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Designator	35(1)	Power to identify premises for the development of 1 or more types of infrastructure that are prescribed by regulation.	23 February 2021			This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.
Designator	35(2)	Power to include designation requirements about any of the matter contained in 35(2)(a)-(c).	23 February 2021			This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.
Designator	36(1)(a)	Power to be satisfied that the infrastructure will satisfy statutory requirements, or budgetary commitments, for the supply of the infrastructure.	23 February 2021			This delegation does not include any powers that are required to be exercised by Council pursuant to

						a resolution of Council.
Designator	36(1)(b)	Power to be satisfied that there is or will be a need for the efficient and timely supply of the infrastructure.	23 February 2021			This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.
Local Government	36(7)(e)	Power to make submission to a Designator in relation to making or amending a designation.	23 February 2021			This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.
Affected Party	37(4)	Power to make a submission to the Minister about the designation.	23 February 2021			This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.
Designator	38(1)	Power to: (a) consider properly made submissions; (b) decide to make or amend a designation; and (c) publish a gazette notice.	23 February 2021			This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.
Designator	39(2)	Power to extend the duration of a designation, for up to 6 years, by publishing a gazette notice about the	23 February 2021			

		extension before the designation stops having effect.				
Public Sector Entity	39(4)	Power to discontinue proceedings to resume designated premises.	23 February 2021			
Designator	40(1)	Power to repeal a designation by publishing a gazette notice that states: (a) that the designation is repealed; and (b) a description of the designated premises; and (c) the type of infrastructure for which the premises were designated; and (d) the reasons for the repeal.	23 February 2021			
Designator	41(4)	Power to: (a) repeal the designation; (b) decide to refuse the request; and (c) decide to take other action that designator considers appropriate in the circumstances.	23 February 2021			
Designator	41(5)	Power to give a decision notice.	23 February 2021			
Local Government	42(2)	Power to include a note about the making, amendment, extension or appeal of a designation in the planning scheme.	23 February 2021			
Local Government	42(4)	Power to include a note in the planning scheme in a way that ensures the other provisions of the scheme that apply to the designated premises remain effective.	23 February 2021			

## CHAPTER 3 – DEVELOPMENT ASSESSMENT

### Part 1 – Types of development and assessment

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	45(5)(b)	Power to consider and assess against assessment benchmarks and prescribed matters under a regulation and other relevant matters.	23 February 2021			
Assessment Manager	45(7)	Power to assess a development application against or have regard to the statutory instrument, or other document, as in effect when the development application was properly made.	23 February 2021			
Assessment Manager	45(8)(a)	Power to give weight the Assessment Manager considers is appropriate, in the circumstances, to a statutory instrument or other document that has been amended or replaced after the development application was properly made but before it was decided by the Assessment Manager.	23 February 2021			
Assessment Manager	45(8)(b)	Power to give weight the Assessment Manager considers is appropriate in the circumstances to another statutory instrument that came into effect after the development application was properly made but before it was decided by the Assessment Manager.	23 February 2021			
Local Government	46(2)(a)	Power to give an exemption certificate for a development.	23 February 2021			
Local Government	46(3)(a)	Power to seek agreement in writing from referral agencies about the giving of an exemption certificate.	23 February 2021			

**Part 2 – Development applications**

**Division 2 – Making or changing applications**

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Owner	51(2)	Power to give owner's consent.	N/A			
Assessment Manager	51(4)(a)	Power to be satisfied an application complies with subsections (1) to (3).	23 February 2021			
Assessment Manager	51(4)(b)	Power to be satisfied an application complies with subsection (2) and (3).	23 February 2021			
Assessment Manager	51(4)(c)	Power to accept an application that does not comply with subsection (1)(a) or (b)(i).	23 February 2021			
Assessment Manager	51(4)(d)	Power to accept an application that does not comply with subsection (1)(b)(ii) to the extent the required fee has been waived under section 109(b).	23 February 2021			
Assessment Manager	51(5)	Power to accept a properly made application.	23 February 2021			
Assessment Manager	52(3)	Power to assess and decide if a change is a minor change.	23 February 2021			
Assessment Manager	53(3)	Power to assess and decide a development application even if some of the requirements of the development assessment rules about the notice have not been complied with, if the assessment manager considers any noncompliance has not: (a) adversely affected the public's awareness of the existence and nature of the application; or (b) restricted the public's opportunity to make properly made submissions about the application.	23 February 2021			

Assessment Manager	53(4)(a)	Power to consider submissions about a development application.	23 February 2021			
Assessment Manager	53(10)	Power to give notice on behalf of an applicant to a referral agency for a fee.	23 February 2021			

### Part 3 –

### Assessing and deciding development applications

#### Division 1 – Referral agency's assessment

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Assessment Manager	54(5)	Power to give a copy of a development application on behalf of an applicant to a referral agency for a fee.	23 February 2021			
Assessment Manager/ Referral Agency	55(1)	Power to assess the application as required under section 45, as if the agency were the assessment manager.	23 February 2021			
Referral Agency	55(2)(a)	Power to assess a development application against matters prescribed by the regulation.	23 February 2021			
Referral Agency	55(2)(b)	Power to have regard to matters prescribed by the regulation for the assessment.	23 February 2021			
Referral Agency	55(4)	Power to assess the development application against or having regard to the statutory instrument, or other document, as in effect when the application was properly made.	23 February 2021			
Referral Agency	55(5)(a)	Power to give weight the Referral Agency considers is appropriate, in the circumstances, to a statutory instrument or other document that has been amended or	23 February 2021			

		replaced after the development application was properly made.				
Referral Agency	55(5)(b)	Power to give the weight the Referral Agency considers is appropriate, in the circumstances, to another statutory instrument that came into effect after the development application was properly made.	23 February 2021			
Referral Agency	56(1)(a)	Power to decide to tell the assessment manager that the agency has no requirements for the application.	23 February 2021			
Referral Agency	56(1)(b)	Power to decide to direct the assessment manager to do any or all of the following: (i) to give any development approval subject to stated development conditions; (ii) to give any development approval for only a stated part of the application; (iii) to give any development approval only as a preliminary approval; (iv) to improve a stated currency period for a development approval given.	23 February 2021			
Referral Agency	56(1)(c)	Power to decide to direct the assessment manager to refuse the application for stated reasons.	23 February 2021			
Referral Agency	56(2)(a)	Power to decide to tell the assessment manager that the agency has no requirements for the variation request.	23 February 2021			
Referral Agency	56(2)(b)	Power to decide to direct the assessment manager to do any or all of the following: (i) to approve only some of the variations sought; (ii) subject to section 61(3) to approve different variations from those sought.	23 February 2021			

Referral Agency	56(2)(c)	Power to decide to direct the assessment manager to refuse the variation request.	23 February 2021			
Referral Agency	56(3)	Power to give advice about the application to the assessment manager.	23 February 2021			

#### Division 2 – Assessment manager's decision

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Assessment Manager	60(2)(a)	Power to assess and decide the extent to which the application complies with all of the assessment benchmarks for the development.	23 February 2021			
Assessment Manager	60(2)(b)	Power to decide to approve the application even if the development does not comply with some of the assessment benchmarks.	23 February 2021			
Assessment Manager	60(2)(c)	Power to impose development conditions on an approval.	23 February 2021			
Assessment Manager	60(2)(d)	To the extent the development does not comply with some or all the assessment benchmarks, power to decide to refuse the application where compliance cannot be achieved by imposing development conditions.	23 February 2021			
Assessment Manager	60(3)(a)	Power to decide to approve all or part of the application.	N/A			
Assessment Manager	60(3)(b)	Power to decide to approve all or part of the application, but impose development conditions on the approval.	N/A			
Assessment Manager	60(3)(c)	Power to decide to refuse the application.	N/A			

Assessment Manager	60(5)	Power to give a preliminary approval for all or part of the development application, even though the development application sought a development permit.	23 February 2021			
Assessment Manager	61(3)(a)(i)	Power to decide to approve all or some of the variations sought.	N/A			
Assessment Manager	61(3)(a)(ii)	Power to decide to approve different variations from those sought.	N/A			
Assessment Manager	61(3)(b)	Power to decide to refuse the variations sought.	N/A			
Assessment Manager	63(1)	Power to give a decision notice.	23 February 2021			
Assessment Manager	63(4)	Power to publish a notice about the decision on the assessment managers website.	23 February 2021			
Assessment Manager	64(6)(a)	Power to give an applicant a decision notice which approves the application.	23 February 2021			
Assessment Manager	64(6)(b)	Power to give an applicant a decision notice which approves the application subject to development conditions.	23 February 2021			

### Division 3 – Development conditions

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Owner of a Premises	66(2)(c)	Power to agree in writing to a later condition applying.	N/A			
Assessment Manager/ Referral Agency	67	Power to make an agreement with an applicant to establish the responsibilities, or secure the performance, of a party to the agreement about a development condition.	23 February 2021			

**Part 5 –**

**Development approvals**

**Division 2 – Changing development approvals**

***Subdivision 1 – Changes during appeal period***

<b>Entity power given to</b>	<b>Section of PA</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>
Assessment Manager	75(4)(b)(ii)	Power to provide an applicant with a notice that they do not agree with the change representations.	23 February 2021			
Assessment Manager	75(4)(b)(iii)	Power to agree with an applicant to a longer period to make change representations.	23 February 2021			
Assessment Manager	76(1)	Power to assess change representations against and having regard to the matters that must be considered when assessing a development application to the extent those matters are relevant.	23 February 2021			
Assessment Manager	76(2)	Power to give a negotiated decision notice.	23 February 2021			
Local Government	76(6)	Power to give a replacement infrastructure charges notice to an applicant.	23 February 2021			

***Subdivision 2 – Changes after appeal period***

<b>Entity power given to</b>	<b>Section of PA</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>
Referral Agency	78A(1)(a)	Power to consider a change application.	23 February 2021			
Assessment Manager	78A(1)(b)	Power to consider a change application.	23 February 2021			
Assessment Manager	78A(5)	Power to consider a change application if referred by the Minister.	23 February 2021			

Responsible Entity	79(2)(a)	Power to be satisfied that an application complies with subsections (1) and (1A).	23 February 2021			
Responsible Entity	79(2)(b)	Power to be satisfied the application complies with subsection (1A).	23 February 2021			
Responsible Entity	79(2)(c)	Power to accept an application that does not comply with subsection (1)(a) or (b)(ii).	23 February 2021			
Responsible Entity	79(2)(d)	Power to accept an application that does not comply with subsection (1)(b)(i) to the extent the required fee has been waived under section 109(b).	23 February 2021			
Affected Entity	80(2)	Power to give the person who proposes to make the change application a notice (a pre-request response notice) that states— (a) whether the affected entity objects to the change; and (b) the reasons for any objection.	23 February 2021			
Affected Entity	80(4)(a)	Power to give a responsible entity and the applicant a response notice that states that the affected entity has no objection to the change.	23 February 2021			
Affected Entity	80(4)(b)	Power to give a responsible entity and the applicant a response notice that states that the affected entity objects to the change and the reasons for objection.	23 February 2021			
Responsible Entity	81(4)	Power to consider, for a change application, a statutory instrument, or other document, as in effect when the development application for the development approval was properly made.	23 February 2021			
Responsible Entity	81(5)(a)	Power to give weight the Responsible Entity considers appropriate in the circumstances to the statutory instrument or other document as in effect when the change application was made.	23 February 2021			

Responsible Entity	81(5)(b)	Power to give the weight the Responsible Entity considers is appropriate, in the circumstances, to a statutory instrument or other document that has amended or replaced after the change application was made but before it was decided.	23 February 2021			
Responsible Entity	81(5)(c)	Power to give the weight the Responsible Entity considers is appropriate, in the circumstances, to another statutory instrument that came into effect after the change application was made but before it was decided.	23 February 2021			
Responsible Entity	81A(2)(a)	Power to decide to approve the change application with or without development conditions.	N/A			
Responsible Entity	81A(2)(b)	Power to decide to refuse the change application.	N/A			
Responsible Entity / Applicant	81A(5)	Power to agree to extend the period for deciding the change application.	23 February 2021			
Applicant	81B(2)	Power to give notice of withdrawal of a change application before it is decided.	23 February 2021			

***Subdivision 3 – Notice of decision***

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Responsible Entity	83(1)	Power to give a decision notice.	23 February 2021			
Responsible Entity	83(2)	Power to give a decision notice if a negotiated decision notice is not given in relation to the decision.	23 February 2021			

### Division 3 – Cancelling development approvals

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Assessment Manager	84(4)	Power to cancel the development approval and give notice of the cancellation.	23 February 2021			

### Division 4 – Lapsing of and extending development approvals

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Assessment Manager	86(3)(a)	Power to be satisfied that an application complies with subsections (2) and (2A).	23 February 2021			
Assessment Manager	86(3)(b)	Power to be satisfied that an application complies with subsection (2A) before an application can be accepted.	23 February 2021			
Assessment Manager	86(3)(c)	Power to accept an application that does not comply with subsection (2)(a).	23 February 2021			
Assessment Manager	86(3)(d)	Power to accept an application that does not comply with subsection (2)(b) to the extent the required fee has been waived under section 109(b).	23 February 2021			
Assessment Manager	87(1)	Power to consider any matter that the assessment manager considers relevant, even if the matter was not relevant to assessing the development application.	23 February 2021			
Assessment Manager	87(2)(a)	Power to decide whether to give or refuse the extension sought.	N/A			
Assessment Manager	87(2)(b)	Power to extend the currency period for a period that is different from the extension sought.	Delegation of this power to be made on a case-by-case basis only.			

Assessment Manager	87(3)	Power to agree to extend the 20 business day period.	23 February 2021			
Assessment Manager	88(3)	Power to use any security paid under a condition stated in section 65(2)(e) for the purpose stated in the approval or agreement under section 67.	23 February 2021			

**Division 5 – Noting development approvals on planning schemes**

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	89(1)(a)	Power to consider whether a development approval is substantially inconsistent with its planning scheme.	23 February 2021			

**Part 6 – Minister's powers**

**Division 3 – Minister's call in**

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person	102(2)	Power to make representations about the proposed call in notice.	23 February 2021			
Decision-maker	105(3)	Power to provide Minister with reasonable help.	23 February 2021			

**Part 7 – Miscellaneous**

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Assessment Manager or Referral	109(a)	Power to refund all or part of a required fee.	N/A			

Agency or Responsible Entity						
Assessment Manager or Referral Agency or Responsible Entity	109(b)	Power to waive all or part of a required fee, in the circumstances prescribed by regulation.	N/A			

## CHAPTER 4 – INFRASTRUCTURE

### Part 2 – Provisions for Local Governments

#### Division 2 – Changes for trunk infrastructure

##### *Subdivision 2 – Charges resolutions*

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Participating Local Government for a distribution-retailer	115(2)	Power to enter into an agreement (a <b><i>breakup agreement</i></b> ) about the charges breakup.	23 February 2021			

##### *Subdivision 3 – Levying charges*

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	119(2)	Power to give an infrastructure charges notices.	23 February 2021			
Local Government	119(6)	Power to give an applicant an amended infrastructure charges notice.	23 February 2021			

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***Subdivision 4 – Payment***

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	123(1)(a)	Power to make an agreement with recipient of an infrastructure charges notice about whether the levied charge under the notice may be paid other than as required under section 122 including whether the charge may be paid by instalments.	23 February 2021			
Local Government	123(1)(b)	Power to make an agreement with recipient of an infrastructure charges notice about whether infrastructure may be provided instead of paying all or part of the levied charge.	23 February 2021			

***Subdivision 5 – Changing charges during relevant appeal period***

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	125(2)	Power to consider representations.	23 February 2021			
Local Government	125(3)	Power to give a negotiated notice to the recipient.	23 February 2021			

**Division 3 – Development approval conditions about truck infrastructure**

***Subdivision 2 – Conditions for extra trunk infrastructure costs***

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	130(1)	In certain circumstances, the power to require the payment of extra trunk infrastructure costs.	23 February 2021			
Local Government	130(1)(a)	Power to decide if the development: (i) will generate infrastructure demand of more than that required to service the type or scale of future development that the LGIP assumes; or (ii) will require new trunk infrastructure earlier than when identified in the LGIP; or (iii) is for premises completely or partly outside of the PIA.	23 February 2021			
Local Government	130(1)(b)	Power to decide whether the development would impose extra trunk infrastructure costs on the local government and to take into account either or both of the following to decide: (i) levied charges for the development; (ii) trunk infrastructure provided, or to be provided, by the applicant under this part.	23 February 2021			
Local Government	131(2)	Power to agree to an alternative payment time.	23 February 2021			
Local Government	135(3)	Power to make an agreement with a payer in relation to a refund.	23 February 2021			

**Division 4 – Miscellaneous provisions about trunk infrastructure**

***Subdivision 1 – Conversion of particular non-trunk infrastructure before construction starts***

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	140(1)	Power to consider and decide the conversion application.	23 February 2021			
Local Government	140(3)	Power to give the applicant a notice requiring the applicant to give information that the local government reasonably needs to make the decision.	23 February 2021			
Local Government	140(5)(b)	Power to agree to a later period for giving the information in respect of a conversion application.	23 February 2021			
Local Government	142(3)	Power to amend the development approval by imposing a necessary infrastructure condition for the trunk infrastructure.	23 February 2021			

***Subdivision 2 – Other provisions***

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	144(2)	Power to make an agreement with an applicant in relation to a levied charge.	23 February 2021			

**Part 3 - Provisions for State infrastructure providers**

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	149(2)(b)	Power to agree with the state infrastructure provider and the person who provided the replacement infrastructure about when the amount of the levy charge will be paid.	23 February 2021			

**Part 4 – Infrastructure agreements**

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Public Sector Entity	151(2)	Power to tell the entity making the proposal if the recipient agrees to enter into negotiations for an infrastructure agreement.	23 February 2021			
Public Sector Entity	158(1)(a)	Power to enter into an agreement with a person about providing or funding infrastructure.	23 February 2021			
Public Sector Entity	158(1)(b)	Power to enter into an agreement with a person about refunding payments made towards the cost of providing or funding infrastructure.	23 February 2021			

## CHAPTER 5 – OFFENCES AND ENFORCEMENT

### Part 3 – Enforcement notices

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Enforcement Authority	167(1)(a)	Power to form reasonable belief that a person has committed, or is committing, a development offence.	23 February 2021			
Enforcement Authority	167(1)(b)	Power to consider giving an enforcement notice for an offence to a person.	23 February 2021			
Enforcement Authority	167(2)	Power to give a show cause notice.	23 February 2021			
Enforcement Authority	167(4)	Power to give an enforcement notice to a person if it still considers it appropriate to do so.	23 February 2021			
Enforcement Authority	167(5)(b)	Power to form reasonable belief that it is not appropriate in the circumstances to give the show cause notice.	23 February 2021			
Enforcement Authority	168(1)	Power to form reasonable belief a person has committed, or is committing, a development offence, and give an enforcement notice to: (a) the person; and (b) if the offence involves premises and the person is not the owner of the premises— the owner of the premises.	23 February 2021			
Enforcement Authority	168(4)(a)	Power to form a reasonable belief that it is not possible or practical to take steps to make the development accepted development.	23 February 2021			

Enforcement Authority	168(4)(b)	Power to form a reasonable belief that it is not possible or practical to take steps to make the works comply with a development approval.	23 February 2021			
Enforcement Authority	168(4)(c)	Power to form a reasonable belief that the works are dangerous and that it is not possible or practical to take steps to remove the danger.	23 February 2021			
Enforcement Authority	169(2)(a)	Power to consult with a private certifier about the giving of a notice.	23 February 2021			
Enforcement Authority	169(3)	Power to form a reasonable belief the works for which the enforcement notice is to be given are dangerous.	23 February 2021			
Enforcement Authority	169(5)	Power to carry out consultation in the way the enforcement authority considers appropriate.	23 February 2021			

**Part 4 – Offence proceedings in Magistrates Court**

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person	174(1)	Power to bring offence proceedings.	23 February 2021			
Representative Person	175(1)(a)	With consent, power to bring offence proceedings in a representative capacity on behalf of a body of persons or a corporation.	23 February 2021			Subject to section 237 of the <i>Local Government Act 2009</i>
Representative Person	175(1)(b)	With consent, power to bring offence proceedings on behalf of an individual.	23 February 2021			Subject to section 237 of the <i>Local Government Act 2009</i>
Enforcement Authority	176(10)(a)	Power to take action required under an order.	23 February 2021			

Enforcement Authority	176(10)(b)	Power to recover the reasonable cost of taking the action as a debt owing to the authority from the defendant.	23 February 2021			
Enforcement Authority	178(1)(b)	Power to apply to a Magistrate for an order for the payment of expenses.	23 February 2021			

**Part 5 - Enforcement orders in P&E Court**

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person	180(1)	Power to start proceedings in the P&E Court for an enforcement order.	23 February 2021			
Person	180(11)	Power to apply to the P&E Court for a compliance order.	23 February 2021			
Enforcement Authority	180(13)(a)	Power to take action required under an order.	23 February 2021			
Enforcement Authority	180(13)(b)	Power to recover the reasonable cost of taking the action as a debt owing to the authority from the respondent.	23 February 2021			
Person	181(4)	Power to apply to the P&E Court to cancel or change an enforcement order or interim enforcement order.	23 February 2021			

**CHAPTER 6 – DISPUTE RESOLUTION**

**Part 1 – Appeal rights**

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Appellant	229(2)	Power to start an appeal within the appeal period.	23 February 2021			

Assessment Manager	229(5)	Power to apply to the tribunal or the P&E Court to withdraw from the appeal if an appeal is only about a referral agencies response.	23 February 2021			
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**Part 2 – Development Tribunal**

**Division 2 – Applications for declaration**

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person	239(1)	Power to start proceedings for a declaration by a tribunal by filing an application, in the approved form, with the registrar.	23 February 2021			
Assessment Manager	240(1)	Power to start proceedings for a declaration about whether a development application is properly made.	23 February 2021			
Responsible Entity	241(2)	Power to start proceedings for a declaration about whether the proposed change to the approval is a minor change.	23 February 2021			

**CHAPTER 7 – MISCELLANEOUS**

**Part 2 – Taking or purchasing land for planning purposes**

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	263(1)(a)	Power to consider that taking or purchasing land would help to achieve the outcomes stated in a local planning instrument.	N/A			

Local Government	263(1)(b)(i)	Power to be satisfied that the development would create a need to construct infrastructure on land or to carry drainage over land.	23 February 2021			
Local Government	263(1)(b) (ii)	Power to be satisfied that a person with the benefit of the approval has taken reasonable steps to get the agreement of the owner of the land to actions that would facilitate the construction or carriage, but has not been able to get the agreement.	23 February 2021			
Local Government	263(1)(b) (iii)	Power to be satisfied that the action is necessary for the development.	23 February 2021			
Local Government	263(3)	In certain circumstances, power to take or purchase land under the Acquisition Act.	N/A			

### Part 3 – Public access to documents

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	264(1)(a)	Power to keep or keep publicly available documents including registers relating to local government functions as prescribed in the Reg.	23 February 2021			
Local Government	264(2)	Power to keep a copy of each exemption certificate given pursuant to section 46 (2) of the Act and power to keep a register of exemption certificates.	23 February 2021			
Local Government	264(5)	Power to allow a person to inspect or obtain a copy of a document prescribed in the Reg	23 February 2021			

Local Government	264(6)	Power to decide if a document or information in a document prescribed under the Reg is not disclosable.	23 February 2021			
Local Government	265(3)	Power to give a limited, standard or full planning and development certificate for premises.	23 February 2021			

**Part 4A – Service of document**

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person	275C(2)	Power to sign a certificate of service.	23 February 2021			

**CHAPTER 8 – TRANSITIONAL PROVISIONS AND REPEAL**

**Part 1 – Transitional provisions for the repeal of Sustainable Planning Act 2009**

**Division 3 – Planning**

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	293(5)	Power to make an amendment of a type mentioned in subsection (1) by following the process set out in the rules.	23 February 2021			This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.

### Division 5 – Infrastructure

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	304(4)(a)	Power to adopt charges under section 113.	23 February 2021			
Local Government	304(4)(b)	Power to give an infrastructure charges notice under section 119.	23 February 2021			
Local Government	304(4)(c)	Power to impose conditions about trunk infrastructure under section 128 or 130.	23 February 2021			

### Division 6 – Enforcement and dispute resolution

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person	312	Power to bring a proceeding under the section of the old Act stated in column 2, after the commencement, whether the matter happened before or after the commencement.	23 February 2021			

### Division 7 – Miscellaneous

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	314(6)	Power to apply funds received under a funding agreement to fulfil the local government's responsibilities under subsections (3) or (4), as required by the local government's policy under the unamended old Act, section 143(2).	23 February 2021			

**Part 1A – Transitional and saving provisions for Waste Reduction and Recycling Amendment Act 2017**

<b>Entity power given to</b>	<b>Section of PA</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>
Responsible Entity	324B(5)	Power to apply section 79(2), as in force on the commencement, to make a decision about accepting the existing change application.	23 February 2021			
Assessment Manager	324C(5)	Power to apply section 86(3), as in force on the commencement, to make a decision about accepting the existing extension application.	23 February 2021			

[2019 04 11 - PLAA - Delegation Table]

## Development Assessment Rules under the Planning Act 2016 ("PLAA")

### Part 1 – Application

Entity power given to	Rule	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Assessment Manager	1.2	Power to decide a properly made application.	23 February 2021			
Assessment Manager	2.2	Power to give a confirmation notice.	23 February 2021			
Assessment Manager	3.1	Power to give an action notice.	23 February 2021			

### Part 2 – Referral

Entity power given to	Rule	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Referral Agency	6.2	Power to decide a properly made application.	23 February 2021			
Referral Agency	7.1	Power to give a confirmation notice.	23 February 2021			
Referral Agency	8.1	Power to give an action notice.	23 February 2021			
Referral Agency	9.2	Power to give a referral agency response.	23 February 2021			

**Part 3 – Information request**

Entity power given to	Rule	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Assessment Authority	12.1	Power to make an information request.	23 February 2021			
Assessment Authority	12.5	Power to give advice about an information request.	23 February 2021			

**Part 4 – Public Notification**

Entity power given to	Rule	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Assessment Manager	17.1	Power to publish, place or give a public notice pursuant to section 53(10) of the PA.	23 February 2021			
Assessment Manager	19.1	Power to accept a property made submission.	23 February 2021			

**Part 5 – Decision**

Entity power given to	Rule	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Assessment Manager	22.2	Power to give a copy of a decision notice to each principal submitter.	23 February 2021			
Assessment Manager	23.1	Power to receive a notice from a concurrence agency.	23 February 2021			

**Part 6 – Changes to the application and referral agency responses**

Entity power given to	Section of DEAR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Assessment Manager	25.1	Power to give a notice of a changed application to a referral agency.	23 February 2021			
Assessment Manager	26.2(a)	Power to give a confirmation notice of receipt of a changed application.	23 February 2021			
Assessment Manager	26.2(c)	Power to give a notice that public notification is required with respect to the changed application.	23 February 2021			
Assessment Manager	26.3	Power to refer a changed application to a referral agency.	23 February 2021			
Concurrence Agency	28.1	Power to change a referral agency response to any changed application.	23 February 2021			
Concurrence Agency	28.3	Power to give a late referral agency response before a changed application is decided with the agreement of the applicant.	23 February 2021			
Concurrence Agency	28.4	Power to give an amended referral agency response to an assessment manager.	23 February 2021			

**Part 7 – Miscellaneous**

Entity power given to	Section of DEAR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Referral Agency	29.6	Power to make an information request with respect to a missed referral agency application.	23 February 2021			
Assessment Manager	34.1	Power to request third party advice from a third party about an application.	23 February 2021			

Assessment Manager	35.1	Power to give a further advice to an applicant.				
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#### **SCHEDULE 1 – SUBSTANTIALLY DIFFERENT DEVELOPMENT**

<b>Entity power given to</b>	<b>Section of DEAR</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>
Assessment Manager	1	Power to determine if a change to an application is a minor change.	23 February 2021			
Assessment Manager	2	Power to determine if a change would result in a substantially different development	23 February 2021			

[2019 04 11 - PLAA - Planning Act - Development Assessment Rules Table

## INSTRUMENT OF SUB-DELEGATION

**Torres Strait Island Regional Council**  
***Planning Act 2016 ("PLAA")***  
***Development Assessment Rules***

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

### Development Assessment Rules under the Planning Act 2016 ("PLAA")

#### Part 1 – Application

Entity power given to	Rule	Description
Assessment Manager	1.2	Power to decide a properly made application.
Assessment Manager	2.2	Power to give a confirmation notice.
Assessment Manager	3.1	Power to give an action notice.

#### Part 2 – Referral

Entity power given to	Rule	Description
Referral Agency	6.2	Power to decide a properly made application.
Referral Agency	7.1	Power to give a confirmation notice.
Referral Agency	8.1	Power to give an action notice.
Referral Agency	9.2	Power to give a referral agency response.

#### Part 3 – Information request

Entity power given to	Rule	Description
Assessment Authority	12.1	Power to make an information request.
Assessment Authority	12.5	Power to give advice about an information request.

#### Part 4 – Public Notification

Entity power given to	Rule	Description
Assessment Manager	17.1	Power to publish, place or give a public notice pursuant to section 53(10) of the PA.
Assessment Manager	19.1	Power to accept a property made submission.

**Part 5 – Decision**

Entity power given to	Rule	Description
Assessment Manager	22.2	Power to give a copy of a decision notice to each principal submitter.
Assessment Manager	23.1	Power to receive a notice from a concurrence agency.

**Part 6 – Changes to the application and referral agency responses**

Entity power given to	Section of DEAR	Description
Assessment Manager	25.1	Power to give a notice of a changed application to a referral agency.
Assessment Manager	26.2(a)	Power to give a confirmation notice of receipt of a changed application.
Assessment Manager	26.2(c)	Power to give a notice that public notification is required with respect to the changed application.
Assessment Manager	26.3	Power to refer a changed application to a referral agency.
Concurrence Agency	28.1	Power to change a referral agency response to any changed application.
Concurrence Agency	28.3	Power to give a late referral agency response before a changed application is decided with the agreement of the applicant.
Concurrence Agency	28.4	Power to give an amended referral agency response to an assessment manager.

**Part 7 – Miscellaneous**

Entity power given to	Section of DEAR	Description
Referral Agency	29.6	Power to make an information request with respect to a missed referral agency application.
Assessment Manager	34.1	Power to request third party advice from a third party about an application.
Assessment Manager	35.1	Power to give a further advice to an applicant.

**SCHEDULE 1 – SUBSTANTIALLY DIFFERENT DEVELOPMENT**

Entity power given to	Section of DEAR	Description
Assessment Manager	1	Power to determine if a change to an application is a minor change.
Assessment Manager	2	Power to determine if a change would result in a substantially different development

## 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 - PLAA – Sub-Delegation Instrument – Development Assessment Rules -Torres Strait Island Regional Council

### 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 SUB-DELEGATION

**Torres Strait Island Regional Council**  
***Planning Act 2016 ("PLAA")***

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

### *Planning Act 2016 ("PLAA")*

#### CHAPTER 2 – PLANNING

##### Part 3 – Local planning instruments

##### Division 2 – Making or amending planning schemes

Entity power given to	Section of PA	Description
Local Government	18(1)	Power to propose to make or amend a planning scheme.
Local Government	18(2)	Power to give notice of the proposed planning scheme or proposed amendment to the Chief Executive.
Local Government	18(3)	Power to consult with the Chief Executive about the process for making or amending the planning scheme.
Local Government	18(6)	Power to make or amend the planning scheme by following the process in the notice or amended notice.
Local Government	19(1)	In certain circumstances, power to apply a planning scheme as a categorising instrument in relation to prescribed tidal works.
Local Government	20(2)	Power to amend a planning scheme by following the process in the Minister's rules, instead of complying with section 18.
Local Government	21	In certain circumstances, power to follow the process in the Minister's rules for making or amending an LGIP.
Local Government	22(1)	Power to amend a planning scheme policy by following the process in the Minister's rules.
Local Government	23(1)	Power to make a TLPI if the local government and Minister decide – (d) there is significant risk of serious adverse cultural, economic, environmental or social conditions happening in the local government area; (e) the delay involved in using the process in sections 18 to 22 to make or amend another local planning instrument would increase the risk; and (f) the making of the TLPI would not adversely affect State interests.
Local Government	23(2)	Power to amend a TLPI if the Minister decides the amendment of the TLPI would not adversely affect State interests.
Local Government	24(5)	Power to repeal a TLPI by making, or amending, a planning scheme to specifically repeal the TLPI.
Local Government	25(1)(a)	Power to review planning scheme.
Local Government	25(1)(b)	Power to decide, based on that review, whether to amend or replace the planning scheme.
Local Government	25(2)	Power to:

		(d) give written reasons for the decision to the Chief Executive; (e) publish a public notice in the approved form about the decision; and (f) keep a copy of the public notice in a conspicuous place in the local government's public office for a period of at least 40 business days after the notice is published.
Local Government	25(3)	Power to undertake an LGIP review.

### Division 3 – State powers for local planning instruments

Entity power given to	Section of PA	Description
Local Government	26(3)(c)	Power to make a submission to the Minister about taking the action.
Local Government	26(4)(a)	Power to take action in accordance with Minister's direction under a Notice.
Local Government	26(4)(b)	Power to take other action in accordance with Minister's direction.

## Part 4 – Superseded planning schemes

### Division 1 – Applying superseded planning schemes

Entity power given to	Section of PA	Description
Local Government	29(4)(a)	Power to accept, assess and decide a development application (a superseded planning scheme application) under a superseded planning scheme.
Local Government	29(4)(b)	Power to apply a superseded planning scheme to the carrying out of development that was accepted development under the superseded planning scheme.
Local Government	29(6)	Power to decide whether or not to agree to a superseded planning scheme request within the period prescribed by, or extended as required under, the regulation.
Local Government	29(7)	Power to give a decision notice to the person who made the superseded planning scheme request.

### Division 2 – Compensation

Entity power given to	Section of PA	Description
Local Government	30(5)	Power to prepare a report assessing feasible alternatives for reducing the risk stated in subsection (4)(e), including imposing development conditions on development approvals.
Local Government	32(1)(a)	Power to approve all or part of a compensation claim.
Local Government	32(1)(b)	Power to refuse a compensation claim.
Local Government	32(1)(c)	Power to give a notice of intention to resume the affected owner's interest in premises under the Acquisition Act, section 7.

Local Government	32(2)	Power to decide to amend the planning scheme to allow premises to be used for the purposes that the premises could be used for under the superseded planning scheme.
Chief Executive Officer	32(3)	Power to give the affected owner: (c) notice of intention to resume; (d) a notice that states the local government's decision, any amount of compensation to be paid and the affected owner's appeal rights.

**Part 5 – Designation of premises for development of infrastructure**

Entity power given to	Section of PA	Description
Designator	35(1)	Power to identify premises for the development of 1 or more types of infrastructure that are prescribed by regulation.
Designator	35(2)	Power to include designation requirements about any of the matter contained in 35(2)(a)-(c).
Designator	36(1)(a)	Power to be satisfied that the infrastructure will satisfy statutory requirements, or budgetary commitments, for the supply of the infrastructure.
Designator	36(1)(b)	Power to be satisfied that there is or will be a need for the efficient and timely supply of the infrastructure.
Local Government	36(7)(e)	Power to make submission to a Designator in relation to making or amending a designation.
Affected Party	37(4)	Power to make a submission to the Minister about the designation.
Designator	38(1)	Power to: (d) consider properly made submissions; (e) decide to make or amend a designation; and (f) publish a gazette notice.
Designator	39(2)	Power to extend the duration of a designation, for up to 6 years, by publishing a gazette notice about the extension before the designation stops having effect.
Public Sector Entity	39(4)	Power to discontinue proceedings to resume designated premises.
Designator	40(1)	Power to repeal a designation by publishing a gazette notice that states: (e) that the designation is repealed; and (f) a description of the designated premises; and (g) the type of infrastructure for which the premises were designated; and (h) the reasons for the repeal.
Designator	41(4)	Power to: (d) repeal the designation; (e) decide to refuse the request; and (f) decide to take other action that designator considers appropriate in the circumstances.
Designator	41(5)	Power to give a decision notice.
Local Government	42(2)	Power to include a note about the making, amendment, extension or appeal of a designation in the planning scheme.

Local Government	42(4)	Power to include a note in the planning scheme in a way that ensures the other provisions of the scheme that apply to the designated premises remain effective.
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## CHAPTER 3 – DEVELOPMENT ASSESSMENT

### Part 1 – Types of development and assessment

Entity power given to	Section of PA	Description
Local Government	45(5)(b)	Power to consider and assess against assessment benchmarks and prescribed matters under a regulation and other relevant matters.
Assessment Manager	45(7)	Power to assess a development application against or have regard to the statutory instrument, or other document, as in effect when the development application was properly made.
Assessment Manager	45(8)(a)	Power to give weight the Assessment Manager considers is appropriate, in the circumstances, to a statutory instrument or other document that has been amended or replaced after the development application was properly made but before it was decided by the Assessment Manager.
Assessment Manager	45(8)(b)	Power to give weight the Assessment Manager considers is appropriate in the circumstances to another statutory instrument that came into effect after the development application was properly made but before it was decided by the Assessment Manager.
Local Government	46(2)(a)	Power to give an exemption certificate for a development.
Local Government	46(3)(a)	Power to seek agreement in writing from referral agencies about the giving of an exemption certificate.

### Part 2 – Development applications

#### Division 2 – Making or changing applications

Entity power given to	Section of PA	Description
Owner	51(2)	Power to give owner's consent.
Assessment Manager	51(4)(a)	Power to be satisfied an application complies with subsections (1) to (3).
Assessment Manager	51(4)(b)	Power to be satisfied an application complies with subsection (2) and (3).
Assessment Manager	51(4)(c)	Power to accept an application that does not comply with subsection (1)(a) or (b)(i).
Assessment Manager	51(4)(d)	Power to accept an application that does not comply with subsection (1)(b)(ii) to the extent the required fee has been waived under section 109(b).
Assessment Manager	51(5)	Power to accept a properly made application.
Assessment Manager	52(3)	Power to assess and decide if a change is a minor change.

Assessment Manager	53(3)	Power to assess and decide a development application even if some of the requirements of the development assessment rules about the notice have not been complied with, if the assessment manager considers any noncompliance has not: (c) adversely affected the public's awareness of the existence and nature of the application; or (d) restricted the public's opportunity to make properly made submissions about the application.
Assessment Manager	53(4)(a)	Power to consider submissions about a development application.
Assessment Manager	53(10)	Power to give notice on behalf of an applicant to a referral agency for a fee.

### Part 3 –

### Assessing and deciding development applications

#### Division 1 – Referral agency's assessment

Entity power given to	Section of PA	Description
Assessment Manager	54(5)	Power to give a copy of a development application on behalf of an applicant to a referral agency for a fee.
Assessment Manager/ Referral Agency	55(1)	Power to assess the application as required under section 45, as if the agency were the assessment manager.
Referral Agency	55(2)(a)	Power to assess a development application against matters prescribed by the regulation.
Referral Agency	55(2)(b)	Power to have regard to matters prescribed by the regulation for the assessment.
Referral Agency	55(4)	Power to assess the development application against or having regard to the statutory instrument, or other document, as in effect when the application was properly made.
Referral Agency	55(5)(a)	Power to give weight the Referral Agency considers is appropriate, in the circumstances, to a statutory instrument or other document that has been amended or replaced after the development application was properly made.
Referral Agency	55(5)(b)	Power to give the weight the Referral Agency considers is appropriate, in the circumstances, to another statutory instrument that came into effect after the development application was properly made.
Referral Agency	56(1)(a)	Power to decide to tell the assessment manager that the agency has no requirements for the application.
Referral Agency	56(1)(b)	Power to decide to direct the assessment manager to do any or all of the following: (v) to give any development approval subject to stated development conditions; (vi) to give any development approval for only a stated part of the application; (vii) to give any development approval only as a preliminary approval; (viii) to improve a stated currency period for a development approval given.

Referral Agency	56(1)(c)	Power to decide to direct the assessment manager to refuse the application for stated reasons.
Referral Agency	56(2)(a)	Power to decide to tell the assessment manager that the agency has no requirements for the variation request.
Referral Agency	56(2)(b)	Power to decide to direct the assessment manager to do any or all of the following: (iii) to approve only some of the variations sought; (iv) subject to section 61(3) to approve different variations from those sought.
Referral Agency	56(2)(c)	Power to decide to direct the assessment manager to refuse the variation request.
Referral Agency	56(3)	Power to give advice about the application to the assessment manager.

#### Division 2 – Assessment manager's decision

Entity power given to	Section of PA	Description
Assessment Manager	60(2)(a)	Power to assess and decide the extent to which the application complies with all of the assessment benchmarks for the development.
Assessment Manager	60(2)(b)	Power to decide to approve the application even if the development does not comply with some of the assessment benchmarks.
Assessment Manager	60(2)(c)	Power to impose development conditions on an approval.
Assessment Manager	60(2)(d)	To the extent the development does not comply with some or all the assessment benchmarks, power to decide to refuse the application where compliance cannot be achieved by imposing development conditions.
Assessment Manager	60(3)(a)	Power to decide to approve all or part of the application.
Assessment Manager	60(3)(b)	Power to decide to approve all or part of the application, but impose development conditions on the approval.
Assessment Manager	60(3)(c)	Power to decide to refuse the application.
Assessment Manager	60(5)	Power to give a preliminary approval for all or part of the development application, even though the development application sought a development permit.
Assessment Manager	61(3)(a)(i)	Power to decide to approve all or some of the variations sought.
Assessment Manager	61(3)(a)(ii)	Power to decide to approve different variations from those sought.
Assessment Manager	61(3)(b)	Power to decide to refuse the variations sought.
Assessment Manager	63(1)	Power to give a decision notice.
Assessment Manager	63(4)	Power to publish a notice about the decision on the assessment managers website.

Assessment Manager	64(6)(a)	Power to give an applicant a decision notice which approves the application.
Assessment Manager	64(6)(b)	Power to give an applicant a decision notice which approves the application subject to development conditions.

### **Division 3 – Development conditions**

<b>Entity power given to</b>	<b>Section of PA</b>	<b>Description</b>
Owner of a Premises	66(2)(c)	Power to agree in writing to a later condition applying.
Assessment Manager/ Referral Agency	67	Power to make an agreement with an applicant to establish the responsibilities, or secure the performance, of a party to the agreement about a development condition.

## **Part 5 –**

### **Development approvals**

#### **Division 2 – Changing development approvals**

##### ***Subdivision 1 – Changes during appeal period***

<b>Entity power given to</b>	<b>Section of PA</b>	<b>Description</b>
Assessment Manager	75(4)(b)(ii)	Power to provide an applicant with a notice that they do not agree with the change representations.
Assessment Manager	75(4)(b)(iii)	Power to agree with an applicant to a longer period to make change representations.
Assessment Manager	76(1)	Power to assess change representations against and having regard to the matters that must be considered when assessing a development application to the extent those matters are relevant.
Assessment Manager	76(2)	Power to give a negotiated decision notice.
Local Government	76(6)	Power to give a replacement infrastructure charges notice to an applicant.

##### ***Subdivision 2 – Changes after appeal period***

<b>Entity power given to</b>	<b>Section of PA</b>	<b>Description</b>
Referral Agency	78A(1)(a)	Power to consider a change application.
Assessment Manager	78A(1)(b)	Power to consider a change application.
Assessment Manager	78A(5)	Power to consider a change application if referred by the Minister.
Responsible Entity	79(2)(a)	Power to be satisfied that an application complies with subsections (1) and (1A).
Responsible Entity	79(2)(b)	Power to be satisfied the application complies with subsection (1A).
Responsible Entity	79(2)(c)	Power to accept an application that does not comply with subsection (1)(a) or (b)(ii).

Responsible Entity	79(2)(d)	Power to accept an application that does not comply with subsection (1)(b)(i) to the extent the required fee has been waived under section 109(b).
Affected Entity	80(2)	Power to give the person who proposes to make the change application a notice (a pre-request response notice) that states— (c) whether the affected entity objects to the change; and (d) the reasons for any objection.
Affected Entity	80(4)(a)	Power to give a responsible entity and the applicant a response notice that states that the affected entity has no objection to the change.
Affected Entity	80(4)(b)	Power to give a responsible entity and the applicant a response notice that states that the affected entity objects to the change and the reasons for objection.
Responsible Entity	81(4)	Power to consider, for a change application, a statutory instrument, or other document, as in effect when the development application for the development approval was properly made.
Responsible Entity	81(5)(a)	Power to give weight the Responsible Entity considers appropriate in the circumstances to the statutory instrument or other document as in effect when the change application was made.
Responsible Entity	81(5)(b)	Power to give the weight the Responsible Entity considers is appropriate, in the circumstances, to a statutory instrument or other document that has amended or replaced after the change application was made but before it was decided.
Responsible Entity	81(5)(c)	Power to give the weight the Responsible Entity considers is appropriate, in the circumstances, to another statutory instrument that came into effect after the change application was made but before it was decided.
Responsible Entity	81A(2)(a)	Power to decide to approve the change application with or without development conditions.
Responsible Entity	81A(2)(b)	Power to decide to refuse the change application.
Responsible Entity / Applicant	81A(5)	Power to agree to extend the period for deciding the change application.
Applicant	81B(2)	Power to give notice of withdrawal of a change application before it is decided.

### ***Subdivision 3 – Notice of decision***

<b>Entity power given to</b>	<b>Section of PA</b>	<b>Description</b>
Responsible Entity	83(1)	Power to give a decision notice.
Responsible Entity	83(2)	Power to give a decision notice if a negotiated decision notice is not given in relation to the decision.

**Division 3 – Cancelling development approvals**

Entity power given to	Section of PA	Description
Assessment Manager	84(4)	Power to cancel the development approval and give notice of the cancellation.

**Division 4 – Lapsing of and extending development approvals**

Entity power given to	Section of PA	Description
Assessment Manager	86(3)(a)	Power to be satisfied that an application complies with subsections (2) and (2A).
Assessment Manager	86(3)(b)	Power to be satisfied that an application complies with subsection (2A) before an application can be accepted.
Assessment Manager	86(3)(c)	Power to accept an application that does not comply with subsection (2)(a).
Assessment Manager	86(3)(d)	Power to accept an application that does not comply with subsection (2)(b) to the extent the required fee has been waived under section 109(b).
Assessment Manager	87(1)	Power to consider any matter that the assessment manager considers relevant, even if the matter was not relevant to assessing the development application.
Assessment Manager	87(2)(a)	Power to decide whether to give or refuse the extension sought.
Assessment Manager	87(2)(b)	Power to extend the currency period for a period that is different from the extension sought.
Assessment Manager	87(3)	Power to agree to extend the 20 business day period.
Assessment Manager	88(3)	Power to use any security paid under a condition stated in section 65(2)(e) for the purpose stated in the approval or agreement under section 67.

**Division 5 – Noting development approvals on planning schemes**

Entity power given to	Section of PA	Description
Local Government	89(1)(a)	Power to consider whether a development approval is substantially inconsistent with its planning scheme.

**Part 6 – Minister's powers****Division 3 – Minister's call in**

Entity power given to	Section of PA	Description
Person	102(2)	Power to make representations about the proposed call in notice.
Decision-maker	105(3)	Power to provide Minister with reasonable help.

**Part 7 – Miscellaneous**

Entity power given to	Section of PA	Description
Assessment Manager or Referral Agency or Responsible Entity	109(a)	Power to refund all or part of a required fee.
Assessment Manager or Referral Agency or Responsible Entity	109(b)	Power to waive all or part of a required fee, in the circumstances prescribed by regulation.

**CHAPTER 4 – INFRASTRUCTURE**

**Part 2 – Provisions for Local Governments**

**Division 2 – Changes for trunk infrastructure**

**Subdivision 2 – Charges resolutions**

Entity power given to	Section of PA	Description
Participating Local Government for a distribution-retailer	115(2)	Power to enter into an agreement (a <b>breakup agreement</b> ) about the charges breakup.

**Subdivision 3 – Levying charges**

Entity power given to	Section of PA	Description
Local Government	119(2)	Power to give an infrastructure charges notices.
Local Government	119(6)	Power to give an applicant an amended infrastructure charges notice.

**Subdivision 4 – Payment**

Entity power given to	Section of PA	Description
Local Government	123(1)(a)	Power to make an agreement with recipient of an infrastructure charges notice about whether the levied charge under the notice may be paid other than as required under section 122 including whether the charge may be paid by instalments.
Local Government	123(1)(b)	Power to make an agreement with recipient of an infrastructure charges notice about whether infrastructure may be provided instead of paying all or part of the levied charge.

**Subdivision 5 – Changing charges during relevant appeal period**

Entity power given to	Section of PA	Description
Local Government	125(2)	Power to consider representations.

Local Government	125(3)	Power to give a negotiated notice to the recipient.
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### **Division 3 – Development approval conditions about truck infrastructure**

#### ***Subdivision 2 – Conditions for extra trunk infrastructure costs***

<b>Entity power given to</b>	<b>Section of PA</b>	<b>Description</b>
Local Government	130(1)	In certain circumstances, the power to require the payment of extra trunk infrastructure costs.
Local Government	130(1)(a)	Power to decide if the development: (i) will generate infrastructure demand of more than that required to service the type or scale of future development that the LGIP assumes; or (ii) will require new trunk infrastructure earlier than when identified in the LGIP; or (iii) is for premises completely or partly outside of the PIA.
Local Government	130(1)(b)	Power to decide whether the development would impose extra trunk infrastructure costs on the local government and to take into account either or both of the following to decide: (i) levied charges for the development; (ii) trunk infrastructure provided, or to be provided, by the applicant under this part.
Local Government	131(2)	Power to agree to an alternative payment time.
Local Government	135(3)	Power to make an agreement with a payer in relation to a refund.

### **Division 4 – Miscellaneous provisions about trunk infrastructure**

#### ***Subdivision 1 – Conversion of particular non-trunk infrastructure before construction starts***

<b>Entity power given to</b>	<b>Section of PA</b>	<b>Description</b>
Local Government	140(1)	Power to consider and decide the conversion application.
Local Government	140(3)	Power to give the applicant a notice requiring the applicant to give information that the local government reasonably needs to make the decision.
Local Government	140(5)(b)	Power to agree to a later period for giving the information in respect of a conversion application.
Local Government	142(3)	Power to amend the development approval by imposing a necessary infrastructure condition for the trunk infrastructure.

#### ***Subdivision 2 – Other provisions***

<b>Entity power given to</b>	<b>Section of PA</b>	<b>Description</b>
Local Government	144(2)	Power to make an agreement with an applicant in relation to a levied charge.

**Part 3 - Provisions for State infrastructure providers**

Entity power given to	Section of PA	Description
Local Government	149(2)(b)	Power to agree with the state infrastructure provider and the person who provided the replacement infrastructure about when the amount of the levy charge will be paid.

**Part 4 – Infrastructure agreements**

Entity power given to	Section of PA	Description
Public Sector Entity	151(2)	Power to tell the entity making the proposal if the recipient agrees to enter into negotiations for an infrastructure agreement.
Public Sector Entity	158(1)(a)	Power to enter into an agreement with a person about providing or funding infrastructure.
Public Sector Entity	158(1)(b)	Power to enter into an agreement with a person about refunding payments made towards the cost of providing or funding infrastructure.

**CHAPTER 5 – OFFENCES AND ENFORCEMENT****Part 3 – Enforcement notices**

Entity power given to	Section of PA	Description
Enforcement Authority	167(1)(a)	Power to form reasonable belief that a person has committed, or is committing, a development offence.
Enforcement Authority	167(1)(b)	Power to consider giving an enforcement notice for an offence to a person.
Enforcement Authority	167(2)	Power to give a show cause notice.
Enforcement Authority	167(4)	Power to give an enforcement notice to a person if it still considers it appropriate to do so.
Enforcement Authority	167(5)(b)	Power to form reasonable belief that it is not appropriate in the circumstances to give the show cause notice.
Enforcement Authority	168(1)	Power to form reasonable belief a person has committed, or is committing, a development offence, and give an enforcement notice to: (c) the person; and (d) if the offence involves premises and the person is not the owner of the premises— the owner of the premises.
Enforcement Authority	168(4)(a)	Power to form a reasonable belief that it is not possible or practical to take steps to make the development accepted development.
Enforcement Authority	168(4)(b)	Power to form a reasonable belief that it is not possible or practical to take steps to make the works comply with a development approval.
Enforcement Authority	168(4)(c)	Power to form a reasonable belief that the works are dangerous and that it is not possible or practical to take steps to remove the danger.

Enforcement Authority	169(2)(a)	Power to consult with a private certifier about the giving of a notice.
Enforcement Authority	169(3)	Power to form a reasonable belief the works for which the enforcement notice is to be given are dangerous.
Enforcement Authority	169(5)	Power to carry out consultation in the way the enforcement authority considers appropriate.

**Part 4 – Offence proceedings in Magistrates Court**

Entity power given to	Section of PA	Description
Person	174(1)	Power to bring offence proceedings.
Representative Person	175(1)(a)	With consent, power to bring offence proceedings in a representative capacity on behalf of a body of persons or a corporation.
Representative Person	175(1)(b)	With consent, power to bring offence proceedings on behalf of an individual.
Enforcement Authority	176(10)(a)	Power to take action required under an order.
Enforcement Authority	176(10)(b)	Power to recover the reasonable cost of taking the action as a debt owing to the authority from the defendant.
Enforcement Authority	178(1)(b)	Power to apply to a Magistrate for an order for the payment of expenses.

**Part 5 - Enforcement orders in P&E Court**

Entity power given to	Section of PA	Description
Person	180(1)	Power to start proceedings in the P&E Court for an enforcement order.
Person	180(11)	Power to apply to the P&E Court for a compliance order.
Enforcement Authority	180(13)(a)	Power to take action required under an order.
Enforcement Authority	180(13)(b)	Power to recover the reasonable cost of taking the action as a debt owing to the authority from the respondent.
Person	181(4)	Power to apply to the P&E Court to cancel or change an enforcement order or interim enforcement order.

**CHAPTER 6 – DISPUTE RESOLUTION**

**Part 1 – Appeal rights**

Entity power given to	Section of PA	Description
Appellant	229(2)	Power to start an appeal within the appeal period.
Assessment Manager	229(5)	Power to apply to the tribunal or the P&E Court to withdraw from the appeal if an appeal is only about a referral agencies response.

**Part 2 –****Development Tribunal****Division 2 – Applications for declaration**

<b>Entity power given to</b>	<b>Section of PA</b>	<b>Description</b>
Person	239(1)	Power to start proceedings for a declaration by a tribunal by filing an application, in the approved form, with the registrar.
Assessment Manager	240(1)	Power to start proceedings for a declaration about whether a development application is properly made.
Responsible Entity	241(2)	Power to start proceedings for a declaration about whether the proposed change to the approval is a minor change.

**CHAPTER 7 – MISCELLANEOUS****Part 2 –****Taking or purchasing land for planning purposes**

<b>Entity power given to</b>	<b>Section of PA</b>	<b>Description</b>
Local Government	263(1)(a)	Power to consider that taking or purchasing land would help to achieve the outcomes stated in a local planning instrument.
Local Government	263(1)(b)(i)	Power to be satisfied that the development would create a need to construct infrastructure on land or to carry drainage over land.
Local Government	263(1)(b) (ii)	Power to be satisfied that a person with the benefit of the approval has taken reasonable steps to get the agreement of the owner of the land to actions that would facilitate the construction or carriage, but has not been able to get the agreement.
Local Government	263(1)(b) (iii)	Power to be satisfied that the action is necessary for the development.
Local Government	263(3)	In certain circumstances, power to take or purchase land under the Acquisition Act.

**Part 3 –****Public access to documents**

<b>Entity power given to</b>	<b>Section of PA</b>	<b>Description</b>
Local Government	264(1)(a)	Power to keep or keep publicly available documents including registers relating to local government functions as prescribed in the Reg.
Local Government	264(2)	Power to keep a copy of each exemption certificate given pursuant to section 46 (2) of the Act and power to keep a register of exemption certificates.
Local Government	264(5)	Power to allow a person to inspect or obtain a copy of a document prescribed in the Reg
Local Government	264(6)	Power to decide if a document or information in a document prescribed under the Reg is not disclosable.
Local Government	265(3)	Power to give a limited, standard or full planning and development certificate for premises.

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**Part 4A – Service of document**

Entity power given to	Section of PA	Description
Person	275C(2)	Power to sign a certificate of service.

**CHAPTER 8 – TRANSITIONAL PROVISIONS AND REPEAL****Part 1 – Transitional provisions for the repeal of Sustainable Planning Act 2009****Division 3 – Planning**

Entity power given to	Section of PA	Description
Local Government	293(5)	Power to make an amendment of a type mentioned in subsection (1) by following the process set out in the rules.

**Division 5 – Infrastructure**

Entity power given to	Section of PA	Description
Local Government	304(4)(a)	Power to adopt charges under section 113.
Local Government	304(4)(b)	Power to give an infrastructure charges notice under section 119.
Local Government	304(4)(c)	Power to impose conditions about trunk infrastructure under section 128 or 130.

**Division 6 – Enforcement and dispute resolution**

Entity power given to	Section of PA	Description
Person	312	Power to bring a proceeding under the section of the old Act stated in column 2, after the commencement, whether the matter happened before or after the commencement.

**Division 7 – Miscellaneous**

Entity power given to	Section of PA	Description
Local Government	314(6)	Power to apply funds received under a funding agreement to fulfil the local government's responsibilities under subsections (3) or (4), as required by the local government's policy under the unamended old Act, section 143(2).

**Part 1A – Transitional and saving provisions for Waste Reduction and Recycling Amendment Act 2017**

Entity power given to	Section of PA	Description
Responsible Entity	324B(5)	Power to apply section 79(2), as in force on the commencement, to make a decision about accepting the existing change application.

Assessment Manager	324C(5)	Power to apply section 86(3), as in force on the commencement, to make a decision about accepting the existing extension application.
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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 04 11 - PLAA - 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** ***Planning Regulation 2017 ("PLAR")***

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.

**Planning Regulation 2017 ("PLAR")****Part 2 –****Planning****Division 3 – Superseded planning schemes**

Entity power given to	Section of PLAR	Description
Local Government	12(b)	Power to request an extension to the decision making period specific in 12(a).

**SCHEDULE 11 – ASSESSMENT BENCHMARKS FOR DEVELOPMENT IN KOALA HABITAT**

Entity power given to	Section of PLAR	Description
Local Government	10(1)	Power to make a requested decision.
Local Government	10(2)	Power to give a notice of a requested decision.
Local Government	10(3)	Power to decide not to make a requested decision and power to give notice of the decision.

**SCHEDULE 16 – PRESCRIBED AMOUNT**

Entity power given to	Section of PLAR	Description
Local Government	Table 1 "Other uses"	Power to apply to a use that is listed in Column 1 a prescribed amount for another similar use listed in Column 1 (other than in this row).

**SCHEDULE 18 – APPROVING PLANS OF SUBDIVISION**

Entity power given to	Section of PLAR	Description
Local Government	3(1)	Power to approve a request where compliant with section 2.
Local Government	3(2)	Power to give notice of an approval to request.

**SCHEDULE 22 – PUBLICLY ACCESSIBLE DOCUMENTS**

Entity power given to	Section of PLAR	Description
Local Government	1(1)	Power to keep documents prescribed therein for inspection and purchase.
Local Government	2(1)	Power to keep documents prescribed therein available for inspection only.
Local Government	3(1)	Power to publish documents on the local government website.

Local Government	3A	In the specified circumstances, power to publish on the local government website a register that complies with section 3A. <sup>1</sup>
Local Government	3B	Power to keep available for inspection and purchase a document that includes the trunk infrastructure information that the local government publishes on its website under 3A(4)-(5). <sup>2</sup>
Assessment Manager	5(1)	Power to keep documents prescribed therein for inspection and purchase.
Assessment Manager	6(1)	Power to keep documents prescribed therein available for inspection only.
Assessment Manager	7(1)	Power to publish documents on the local government website.
Local Government as a referral agency	8(1)	Power to keep documents prescribed therein for inspection and purchase.
Local Government as a referral agency	9(1)	Power to keep documents prescribed therein available for inspection only.
Local Government as a referral agency	10(1)	Power to publish documents as a referral agency on the local government website.

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<sup>1</sup> Commences on 1 January 2020.

<sup>2</sup> Commences on 1 January 2020.

## **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 10 04 - PLAR - 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 (section 9(3) LGA 2009); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
  - 
  - a. impact on land and/or sea; and/or
  - b. involve payment of compensation regarding land; and/or
  - c. require a budget amendment.

## DELEGABLE POWERS UNDER THE PLANNING REGULATION 2017 ("PLAR")

### Part 2 – Planning

#### Division 3 – Superseded planning schemes

Entity power given to	Section of PLAR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	12(b)	Power to request an extension to the decision making period specific in 12(a).	23 February 2021			

### SCHEDULE 11 – ASSESSMENT BENCHMARKS FOR DEVELOPMENT IN KOALA HABITAT

Entity power given to	Section of PLAR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	10(1)	Power to make a requested decision.	23 February 2021			
Local Government	10(2)	Power to give a notice of a requested decision.	23 February 2021			
Local Government	10(3)	Power to decide not to make a requested decision and power to give notice of the decision.	23 February 2021			

**SCHEDULE 16 – PRESCRIBED AMOUNT**

Entity power given to	Section of PLAR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	Table 1 "Other uses"	Power to apply to a use that is listed in Column 1 a prescribed amount for another similar use listed in Column 1 (other than in this row).	23 February 2021			

**SCHEDULE 18 – APPROVING PLANS OF SUBDIVISION**

Entity power given to	Section of PLAR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	3(1)	Power to approve a request where compliant with section 2.	23 February 2021			
Local Government	3(2)	Power to give notice of an approval to request.	23 February 2021			

**SCHEDULE 22 – PUBLICLY ACCESSIBLE DOCUMENTS**

Entity power given to	Section of PLAR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	1(1)	Power to keep documents prescribed therein for inspection and purchase.	23 February 2021			
Local Government	2(1)	Power to keep documents prescribed therein available for inspection only.	23 February 2021			
Local Government	3(1)	Power to publish documents on the local government website.	23 February 2021			

Local Government	3A	In the specified circumstances, power to publish on the local government website a register that complies with section 3A. <sup>3</sup>	23 February 2021			
Local Government	3B	Power to keep available for inspection and purchase a document that includes the trunk infrastructure information that the local government publishes on its website under 3A(4)-(5). <sup>4</sup>	23 February 2021			
Assessment Manager	5(1)	Power to keep documents prescribed therein for inspection and purchase.	23 February 2021			
Assessment Manager	6(1)	Power to keep documents prescribed therein available for inspection only.	23 February 2021			
Assessment Manager	7(1)	Power to publish documents on the local government website.	23 February 2021			
Local Government as a referral agency	8(1)	Power to keep documents prescribed therein for inspection and purchase.	23 February 2021			
Local Government as a referral agency	9(1)	Power to keep documents prescribed therein available for inspection only.	23 February 2021			
Local Government as a referral agency	10(1)	Power to publish documents as a referral agency on the local government website.	23 February 2021			

[2019 10 04 - PLAR - Delegation Table]

<sup>3</sup> Commences on 1 January 2020.

<sup>4</sup> Commences on 1 January 2020.

# INSTRUMENT OF SUB-DELEGATION

**Torres Strait Island Regional Council**  
*Planning Regulation 2017 ("PLAR")*

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

### *Planning Regulation 2017 ("PLAR")*

#### Part 2 –

#### Planning

#### Division 3 – Superseded planning schemes

Entity power given to	Section of PLAR	Description
Local Government	12(b)	Power to request an extension to the decision making period specific in 12(a).

#### SCHEDULE 11 – ASSESSMENT BENCHMARKS FOR DEVELOPMENT IN KOALA HABITAT

Entity power given to	Section of PLAR	Description
Local Government	10(1)	Power to make a requested decision.
Local Government	10(2)	Power to give a notice of a requested decision.
Local Government	10(3)	Power to decide not to make a requested decision and power to give notice of the decision.

#### SCHEDULE 16 – PRESCRIBED AMOUNT

Entity power given to	Section of PLAR	Description
Local Government	Table 1 "Other uses"	Power to apply to a use that is listed in Column 1 a prescribed amount for another similar use listed in Column 1 (other than in this row).

#### SCHEDULE 18 – APPROVING PLANS OF SUBDIVISION

Entity power given to	Section of PLAR	Description
Local Government	3(1)	Power to approve a request where compliant with section 2.
Local Government	3(2)	Power to give notice of an approval to request.

#### SCHEDULE 22 – PUBLICLY ACCESSIBLE DOCUMENTS

Entity power given to	Section of PLAR	Description
Local Government	1(1)	Power to keep documents prescribed therein for inspection and purchase.
Local Government	2(1)	Power to keep documents prescribed therein available for inspection only.

Local Government	3(1)	Power to publish documents on the local government website.
Local Government	3A	In the specified circumstances, power to publish on the local government website a register that complies with section 3A. <sup>5</sup>
Local Government	3B	Power to keep available for inspection and purchase a document that includes the trunk infrastructure information that the local government publishes on its website under 3A(4)-(5). <sup>6</sup>
Assessment Manager	5(1)	Power to keep documents prescribed therein for inspection and purchase.
Assessment Manager	6(1)	Power to keep documents prescribed therein available for inspection only.
Assessment Manager	7(1)	Power to publish documents on the local government website.
Local Government as a referral agency	8(1)	Power to keep documents prescribed therein for inspection and purchase.
Local Government as a referral agency	9(1)	Power to keep documents prescribed therein available for inspection only.
Local Government as a referral agency	10(1)	Power to publish documents as a referral agency on the local government website.

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<sup>5</sup> Commences on 1 January 2020.

<sup>6</sup> Commences on 1 January 2020.

## **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 10 04 - PLAR - 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 (section 9(3) LGA 2009); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
  - 
  - a. impact on land and/or sea; and/or
  - b. involve payment of compensation regarding land; and/or
  - c. require a budget amendment.

# **INSTRUMENT OF DELEGATION**

## **Torres Strait Island Regional Council** ***Plumbing and Drainage Act 2002 ("PLDA")***

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

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

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

**Plumbing and Drainage Act 2002 ("PLDA")**

**Part 4 – Compliance assessment**

**Division 2 – Compliance assessment generally**

Entity power given to	Section of PLDA	Description
Local Government	84(3)	In the specified circumstances, power to issue: (a) for a plan — a compliance permit; or (b) for work — a compliance certificate.

**Division 3 – Assessing plans**

Entity power given to	Section of PLDA	Description
Local Government	85(3)	Power to give a person making a compliance request, a written notice (an <b>information request</b> ), requesting further information needed to assess the plan.
Local Government	85(6)	Power to, in deciding compliance request: (a) give the person making the compliance request a compliance permit; or (b) refuse to give a compliance permit.
Local Government	85(7) <sup>1</sup>	Power to decide reasonable and relevant conditions to a compliance permit for achieving compliance.
Local Government	85(8)	Power to give a copy of the compliance permit to: (a) the owner of the premises to which the compliance permit relates; and (b) If the permit is for a plan for work involving the installation of water meters on premises – the water service provider for the premises, if the water service provider is not the local government.
Local Government	85(10)	In the specified circumstances, the power to give the person who made the compliance request an information notice about the decision.
Local Government	85A(2)	Power to comply with notice given by distributor/retailer.
Local Government	85C(2)(b) (i)	Power to be satisfied there is enough water available to premises at which the facility is proposed to be installed to operate the facility.
Local Government	85C(2)(b) (ii)	Power to be satisfied either: (a) there is enough suitable land available as part of a premises to allow grey water from a facility to be used on the land; or (b) either there is enough suitable land available as part of the premises to allow greywater from a facility to be

<sup>1</sup> Under section 87(7A), a local government cannot give a compliance permit for SEQ water work unless it is the relevant service provider for the work or 1 of the following applies:  
(a) the work has been approved by the distributor-retailer who is the relevant service provider for the work; or  
(b) the local government has been advised by the distributor-retailer in writing that a compliance permit for the type of work may be given without the distributor-retailer's approval.

		used on the land or a suitable alternative arrangement has been, made for the use of greywater.
Local Government	85D(2)(b)(i)	Power to be satisfied there is enough water available to premises at which the facility is proposed to be installed to operate the facility.
Local Government	85D(2)(b)(ii)	Power to be satisfied either: (a) there is enough suitable land available as part of the premises to dispose of effluent from the onsite sewerage facility; or (b) a suitable alternative arrangement has been made to dispose of the effluent.
Local Government	85D(2)(b)(iii)	Power to be satisfied the on-site sewerage facility is otherwise appropriate for the premises.
Local Government	85E(4)(b)	Power to extend the decision period to a longer period.

#### Division 4 – Assessing compliance assessable work

Entity power given to	Section of PLDA	Description
Local Government	86(5)	Power to assess regulated work at the stages prescribed under the Standard Plumbing and Drainage Regulation.
Local Government	86(6)	In the specified circumstances the power to decide not to carry out the assessment (if the work is on-site sewerage work), if an approved person for the assessment gives it a notice (a notice of compliance) in the approved form verifying that the work complies with: (a) the relevant compliance permit; and (b) the Standard Plumbing & Drainage Regulation.
Local Government	86(7)	In the specified circumstances, the power to ask the person making the request for compliance assessment to supply a plan of the assessed work.
Local Government	86(8)	Power to decide request for compliance assessment.
Local Government	86(9) <sup>2</sup>	Power to, in deciding a request: (a) give the person making the request a compliance certificate; or (b) refuse to give a compliance certificate.
Local Government	86(10)	In the specified circumstances, the power to also give a copy of the compliance certificate to: (a) the owner of the premises to which the compliance certificate relates; and (b) if the work involved the installation of water meters on premises – the water service provider for the premises, if the water service provider is not the local government.
Local Government	86(12)	In the specified circumstances, the power to give the person who made the request an information notice about the decision.
Local Government	86(13)(a)	In the specified circumstances, the power to form an opinion that a person is competent to give a notice of compliance.

<sup>2</sup>

Under section 89(9A), a local government cannot give a compliance permit for SEQ water work unless it is the relevant service provider for the work or 1 of the following applies:

- (a) the work has been approved by the distributor-retailer who is the relevant service provider for the work; or
- (b) the local government has been advised by the distributor-retailer in writing that a compliance permit for the type of work may be given without the distributor-retailer's approval.

Local Government	86AA(2)	Power to comply with notice given by distributor-retailer.
Local Government	86A(3)(b)	In the specified circumstances, power to ask the person who made the request to provide a plan of the completed work.
Local Government	86A(4)	Power to decide request for compliance assessment within the specified timeframe.
Local Government	86A(5)	In the specified circumstances, power to: (a) give the person making the request a compliance certificate; or (b) refuse to give a compliance certificate.
Local Government	86A(6)	Power to also give a copy of the compliance certificate to the owner of the premises to which the compliance certificate relates.
Local Government	86A(8)	Power to give the person who made the request an information notice about the decision.
Local Government	86B(3)	Power to decide request for compliance assessment for on-site sewerage work for testing purposes, within the specified timeframe.
Local Government	86D(3)	Power to replace a certificate with a new certificate that has different conditions for the ongoing operation, maintenance or testing of the relevant grey water use facility or on-site sewerage facility.
Local Government	86E(3)	Power to, by written notice, require the former holder of the certificate to remove all or a stated part of the relevant grey water use facility or on-site sewerage facility.
Local Government	86G(1)	In the specified circumstances, the power to amend a condition of a compliance certificate for work for testing purposes if it considers the amendment is necessary or desirable because of a change in a relevant chief executive approval.

## **Part 6 – Investigation and enforcement by local governments**

### **Division 1 – Inspectors**

<b>Entity power given to</b>	<b>Section of PLDA</b>	<b>Description</b>
Local Government	107(1)	Power to appoint an individual to be an inspector if satisfied the individual is qualified for appointment because the individual has the qualifications and experience prescribed under a regulation.

### **Division 2 – Enforcement**

<b>Entity power given to</b>	<b>Section of PLDA</b>	<b>Description</b>
Local Government	115(1)	In certain circumstances, power to give show cause notice.
Local Government	116(1)	In certain circumstances, power to give the owner of premises a notice requiring them to do a stated thing.
Local Government	116(2)	Power to give written notice to a person who has performed plumbing or drainage work requiring the person to do a stated thing if it is reasonably believed that the work does not comply with the <i>Plumbing and Drainage Act 2002</i> .
Local Government	117(1)	In the specified circumstances, power to form the reasonable belief that pollution of the water supply in premises or the water

		service provider's water service to premises has been, or could be, caused by the plumbing on the premises.
Local Government	117(2)	In the specified circumstances, power to give written notice to an owner or occupier of premises to do any of the following: <ul style="list-style-type: none"> <li>(a) install a backflow prevention device;</li> <li>(b) register a backflow prevention device that is required to be registered under the Standard Plumbing and Drainage Regulation;</li> <li>(c) have a backflow prevention device inspected, tested and if necessary repaired or replaced by a licensee licensed to do the work.</li> </ul>

## **Part 6A – General offences**

### **Division 2 – Building and installation and related offences**

<b>Entity power given to</b>	<b>Section of PLDA</b>	<b>Description</b>
Local Government	127A	Power to, in writing, authorise a person to dismantle or take away all or part of a greywater treatment plant installed on premises.
Local Government	128	Power to, in writing, authorise a person to dismantle or take away all or part of an on-site sewerage facility installed on premises.

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

<b>Entity power given to</b>	<b>Section of PLDA</b>	<b>Description</b>
Local Government	128OA	Power to authorise the disposal of the contents of a greywater treatment plant into the infrastructure of the sewerage service provider for the area in which the plant is located.
Local Government	128P(2)	Power to approve a place and a way a person must dispose of the contents (other than effluent) of an on-site sewerage facility that has not been installed only for testing purposes.
Local Government	128P(4)	Power to approve a place and a way a person must dispose of effluent from an on-site sewerage facility mentioned in subsection (2).

## **Part 9 – Miscellaneous provisions**

<b>Entity power given to</b>	<b>Section of PLDA</b>	<b>Description</b>
Local Government	143B	Power to monitor greywater use facilities in sewered areas to ensure the specified things.
Local Government	143C	Power to monitor on-site sewerage facilities installed for testing purposes in sewered areas to ensure the specified things.

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

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

[2017 11 10 - PLDA - Delegation Instrument]

### **Conditions imposed on all Delegations**

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

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

## DELEGABLE POWERS UNDER THE PLUMBING AND DRAINAGE ACT 2002 ("PLDA")

### Part 4 – Compliance assessment

#### Division 2 – Compliance assessment generally

Entity power given to	Section of PLDA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	84(3)	In the specified circumstances, power to issue: (a) for a plan — a compliance permit; or (b) for work — a compliance certificate.	23 February 2021	Executive Director Engineering Services	14 December 2021	

#### Division 3 – Assessing plans

Entity power given to	Section of PLDA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	85(3)	Power to give a person making a compliance request, a written notice (an <b>information request</b> ), requesting further information needed to assess the plan.	23 February 2021	Executive Director Engineering Services	14 December 2021	
Local Government	85(6)	Power to, in deciding compliance request: (a) give the person making the compliance request a compliance permit; or (b) refuse to give a compliance permit.	23 February 2021	Executive Director Engineering Services	14 December 2021	

Local Government	85(7) <sup>3</sup>	Power to decide reasonable and relevant conditions to a compliance permit for achieving compliance.	23 February 2021	Executive Director Engineering Services	14 December 2021	
Local Government	85(8)	Power to give a copy of the compliance permit to: (a) the owner of the premises to which the compliance permit relates; and (b) If the permit is for a plan for work involving the installation of water meters on premises – the water service provider for the premises, if the water service provider is not the local government.	23 February 2021	Executive Director Engineering Services	14 December 2021	
Local Government	85(10)	In the specified circumstances, the power to give the person who made the compliance request an information notice about the decision.	23 February 2021	Executive Director Engineering Services	14 December 2021	
Local Government	85A(2)	Power to comply with notice given by distributor/retailer.	23 February 2021	Executive Director Engineering Services	14 December 2021	
Local Government	85C(2)(b)(i)	Power to be satisfied there is enough water available to premises at which the facility is proposed to be installed to operate the facility.	23 February 2021	Executive Director Engineering Services	14 December 2021	
Local Government	85C(2)(b)(ii)	Power to be satisfied either: (a) there is enough suitable land available as part of a premises to allow grey water from a facility to be used on the land; or	23 February 2021	Executive Director Engineering Services	14 December 2021	

<sup>3</sup> Under section 87(7A), a local government cannot give a compliance permit for SEQ water work unless it is the relevant service provider for the work or 1 of the following applies:  
(a) the work has been approved by the distributor-retailer who is the relevant service provider for the work; or  
(b) the local government has been advised by the distributor-retailer in writing that a compliance permit for the type of work may be given without the distributor-retailer's approval.

		(b) either there is enough suitable land available as part of the premises to allow greywater from a facility to be used on the land or a suitable alternative arrangement has been, made for the use of greywater.				
Local Government	85D(2)(b)(i)	Power to be satisfied there is enough water available to premises at which the facility is proposed to be installed to operate the facility.	23 February 2021	Executive Director Engineering Services	14 December 2021	
Local Government	85D(2)(b)(ii)	Power to be satisfied either: (a) there is enough suitable land available as part of the premises to dispose of effluent from the onsite sewerage facility; or (b) a suitable alternative arrangement has been made to dispose of the effluent.	23 February 2021	Executive Director Engineering Services	14 December 2021	
Local Government	85D(2)(b)(iii)	Power to be satisfied the on-site sewerage facility is otherwise appropriate for the premises.	23 February 2021	Executive Director Engineering Services	14 December 2021	
Local Government	85E(4)(b)	Power to extend the decision period to a longer period.	23 February 2021	Executive Director Engineering Services	14 December 2021	

#### Division 4 – Assessing compliance assessable work

Entity power given to	Section of PLDA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	86(5)	Power to assess regulated work at the stages prescribed under the Standard Plumbing and Drainage Regulation.	23 February 2021	Executive Director Engineering Services	14 December 2021	

Local Government	86(6)	In the specified circumstances the power to decide not to carry out the assessment (if the work is on-site sewerage work), if an approved person for the assessment gives it a notice (a notice of compliance) in the approved form verifying that the work complies with: (a) the relevant compliance permit; and (b) the Standard Plumbing & Drainage Regulation.	23 February 2021	Executive Director Engineering Services	14 December 2021	
Local Government	86(7)	In the specified circumstances, the power to ask the person making the request for compliance assessment to supply a plan of the assessed work.	23 February 2021	Executive Director Engineering Services	14 December 2021	
Local Government	86(8)	Power to decide request for compliance assessment.	23 February 2021	Executive Director Engineering Services	14 December 2021	
Local Government	86(9) <sup>4</sup>	Power to, in deciding a request: (a) give the person making the request a compliance certificate; or (b) refuse to give a compliance certificate.	23 February 2021	Executive Director Engineering Services	14 December 2021	
Local Government	86(10)	In the specified circumstances, the power to also give a copy of the compliance certificate to: (a) the owner of the premises to which the compliance certificate relates; and (b) if the work involved the installation of water meters on premises – the	23 February 2021	Executive Director Engineering Services	14 December 2021	

<sup>4</sup> Under section 89(9A), a local government cannot give a compliance permit for SEQ water work unless it is the relevant service provider for the work or 1 of the following applies:  
(a) the work has been approved by the distributor-retailer who is the relevant service provider for the work; or  
(b) the local government has been advised by the distributor-retailer in writing that a compliance permit for the type of work may be given without the distributor-retailer's approval.

		water service provider for the premises, if the water service provider is not the local government.				
Local Government	86(12)	In the specified circumstances, the power to give the person who made the request an information notice about the decision.	23 February 2021	Executive Director Engineering Services	14 December 2021	
Local Government	86(13)(a)	In the specified circumstances, the power to form an opinion that a person is competent to give a notice of compliance.	23 February 2021	Executive Director Engineering Services	14 December 2021	
Local Government	86AA(2)	Power to comply with notice given by distributor-retailer.	23 February 2021	Executive Director Engineering Services	14 December 2021	
Local Government	86A(3)(b)	In the specified circumstances, power to ask the person who made the request to provide a plan of the completed work.	23 February 2021	Executive Director Engineering Services	14 December 2021	
Local Government	86A(4)	Power to decide request for compliance assessment within the specified timeframe.	23 February 2021	Executive Director Engineering Services	14 December 2021	
Local Government	86A(5)	In the specified circumstances, power to: (a) give the person making the request a compliance certificate; or (b) refuse to give a compliance certificate.	23 February 2021	Executive Director Engineering Services	14 December 2021	
Local Government	86A(6)	Power to also give a copy of the compliance certificate to the owner of the premises to which the compliance certificate relates.	23 February 2021	Executive Director Engineering Services	14 December 2021	
Local Government	86A(8)	Power to give the person who made the request an information notice about the decision.	23 February 2021	Executive Director Engineering Services	14 December 2021	
Local Government	86B(3)	Power to decide request for compliance assessment for on-site sewerage work for testing purposes, within the specified timeframe.	23 February 2021	Executive Director Engineering Services	14 December 2021	

Local Government	86D(3)	Power to replace a certificate with a new certificate that has different conditions for the ongoing operation, maintenance or testing of the relevant grey water use facility or on-site sewerage facility.	23 February 2021	Executive Director Engineering Services	14 December 2021	
Local Government	86E(3)	Power to, by written notice, require the former holder of the certificate to remove all or a stated part of the relevant grey water use facility or on-site sewerage facility.	23 February 2021	Executive Director Engineering Services	14 December 2021	
Local Government	86G(1)	In the specified circumstances, the power to amend a condition of a compliance certificate for work for testing purposes if it considers the amendment is necessary or desirable because of a change in a relevant chief executive approval.	23 February 2021	Executive Director Engineering Services	14 December 2021	

**Part 6 – Investigation and enforcement by local governments**

**Division 1 – Inspectors**

Entity power given to	Section of PLDA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	107(1)	Power to appoint an individual to be an inspector if satisfied the individual is qualified for appointment because the individual has the qualifications and experience prescribed under a regulation.	23 February 2021	Executive Director Engineering Services	14 December 2021	

## Division 2 – Enforcement

Entity power given to	Section of PLDA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	115(1)	In certain circumstances, power to give show cause notice.	23 February 2021	Executive Director Engineering Services	14 December 2021	
Local Government	116(1)	In certain circumstances, power to give the owner of premises a notice requiring them to do a stated thing.	23 February 2021	Executive Director Engineering Services	14 December 2021	
Local Government	116(2)	Power to give written notice to a person who has performed plumbing or drainage work requiring the person to do a stated thing if it is reasonably believed that the work does not comply with the <i>Plumbing and Drainage Act 2002</i> .	23 February 2021	Executive Director Engineering Services	14 December 2021	
Local Government	117(1)	In the specified circumstances, power to form the reasonable belief that pollution of the water supply in premises or the water service provider's water service to premises has been, or could be, caused by the plumbing on the premises.	23 February 2021	Executive Director Engineering Services	14 December 2021	
Local Government	117(2)	In the specified circumstances, power to give written notice to an owner or occupier of premises to do any of the following: (a) install a backflow prevention device; (b) register a backflow prevention device that is required to be registered under the Standard Plumbing and Drainage Regulation; (c) have a backflow prevention device inspected, tested and if necessary repaired or replaced by a licensee licensed to do the work.	23 February 2021	Executive Director Engineering Services	14 December 2021	

**Part 6A – General offences**

**Division 2 – Building and installation and related offences**

Entity power given to	Section of PLDA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	127A	Power to, in writing, authorise a person to dismantle or take away all or part of a greywater treatment plant installed on premises.	23 February 2021	Executive Director Engineering Services	14 December 2021	
Local Government	128	Power to, in writing, authorise a person to dismantle or take away all or part of an on-site sewerage facility installed on premises.	23 February 2021	Executive Director Engineering Services	14 December 2021	

**Division 5 – Discharge and disposal offences**

Entity power given to	Section of PLDA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	128OA	Power to authorise the disposal of the contents of a greywater treatment plant into the infrastructure of the sewerage service provider for the area in which the plant is located.	23 February 2021	Executive Director Engineering Services	14 December 2021	
Local Government	128P(2)	Power to approve a place and a way a person must dispose of the contents (other than effluent) of an on-site sewerage facility that has not been installed only for testing purposes.	23 February 2021	Executive Director Engineering Services	14 December 2021	
Local Government	128P(4)	Power to approve a place and a way a person must dispose of effluent from an on-site sewerage facility mentioned in subsection (2).	23 February 2021	Executive Director Engineering Services	14 December 2021	

**Part 9 – Miscellaneous provisions**

Entity power given to	Section of PLDA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	143B	Power to monitor greywater use facilities in sewerage areas to ensure the specified things.	23 February 2021	Executive Director Engineering Services	14 December 2021	
Local Government	143C	Power to monitor on-site sewerage facilities installed for testing purposes in sewerage areas to ensure the specified things.	23 February 2021	Executive Director Engineering Services	14 December 2021	

[2017 11 10 - PLDA - Delegation Table]

## INSTRUMENT OF SUB-DELEGATION

**Torres Strait Island Regional Council**  
*Plumbing and Drainage Act 2002 ("PLDA")*

Under section 259 of the *Local Government Act 2009*, I, **David Baldwin**, Acting 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 **23 February 2021** to delegate those powers to the Chief Executive Officer.

**DATED** this                      day of                      2021.

**David Baldwin**  
Acting Chief Executive Officer  
**Torres Strait Island Regional Council**

**Position:** Executive Director Engineering Services

## POWERS SUB-DELEGATED

### *Plumbing and Drainage Act 2002 ("PLDA")*

#### Part 4 – Compliance assessment

##### Division 2 – Compliance assessment generally

Entity power given to	Section of PLDA	Description
Local Government	84(3)	In the specified circumstances, power to issue: (a) for a plan — a compliance permit; or (b) for work — a compliance certificate.

##### Division 3 – Assessing plans

Entity power given to	Section of PLDA	Description
Local Government	85(3)	Power to give a person making a compliance request, a written notice (an <b>information request</b> ), requesting further information needed to assess the plan.
Local Government	85(6)	Power to, in deciding compliance request: (a) give the person making the compliance request a compliance permit; or (b) refuse to give a compliance permit.
Local Government	85(7) <sup>5</sup>	Power to decide reasonable and relevant conditions to a compliance permit for achieving compliance.
Local Government	85(8)	Power to give a copy of the compliance permit to: (a) the owner of the premises to which the compliance permit relates; and (b) If the permit is for a plan for work involving the installation of water meters on premises – the water service provider for the premises, if the water service provider is not the local government.
Local Government	85(10)	In the specified circumstances, the power to give the person who made the compliance request an information notice about the decision.
Local Government	85A(2)	Power to comply with notice given by distributor/retailer.
Local Government	85C(2)(b) (i)	Power to be satisfied there is enough water available to premises at which the facility is proposed to be installed to operate the facility.
Local Government	85C(2)(b) (ii)	Power to be satisfied either:

<sup>5</sup> Under section 87(7A), a local government cannot give a compliance permit for SEQ water work unless it is the relevant service provider for the work or 1 of the following applies:  
(a) the work has been approved by the distributor-retailer who is the relevant service provider for the work; or  
(b) the local government has been advised by the distributor-retailer in writing that a compliance permit for the type of work may be given without the distributor-retailer's approval.

		<p>(a) there is enough suitable land available as part of a premises to allow grey water from a facility to be used on the land; or</p> <p>(b) either there is enough suitable land available as part of the premises to allow greywater from a facility to be used on the land or a suitable alternative arrangement has been, made for the use of greywater.</p>
Local Government	85D(2)(b)(i)	Power to be satisfied there is enough water available to premises at which the facility is proposed to be installed to operate the facility.
Local Government	85D(2)(b)(ii)	<p>Power to be satisfied either:</p> <p>(a) there is enough suitable land available as part of the premises to dispose of effluent from the onsite sewerage facility; or</p> <p>(b) a suitable alternative arrangement has been made to dispose of the effluent.</p>
Local Government	85D(2)(b)(iii)	Power to be satisfied the on-site sewerage facility is otherwise appropriate for the premises.
Local Government	85E(4)(b)	Power to extend the decision period to a longer period.

#### Division 4 – Assessing compliance assessable work

Entity power given to	Section of PLDA	Description
Local Government	86(5)	Power to assess regulated work at the stages prescribed under the Standard Plumbing and Drainage Regulation.
Local Government	86(6)	<p>In the specified circumstances the power to decide not to carry out the assessment (if the work is on-site sewerage work), if an approved person for the assessment gives it a notice (a notice of compliance) in the approved form verifying that the work complies with:</p> <p>(a) the relevant compliance permit; and</p> <p>(b) the Standard Plumbing &amp; Drainage Regulation.</p>
Local Government	86(7)	In the specified circumstances, the power to ask the person making the request for compliance assessment to supply a plan of the assessed work.
Local Government	86(8)	Power to decide request for compliance assessment.
Local Government	86(9) <sup>6</sup>	<p>Power to, in deciding a request:</p> <p>(a) give the person making the request a compliance certificate; or</p> <p>(b) refuse to give a compliance certificate.</p>
Local Government	86(10)	<p>In the specified circumstances, the power to also give a copy of the compliance certificate to:</p> <p>(a) the owner of the premises to which the compliance certificate relates; and</p> <p>(b) if the work involved the installation of water meters on premises – the water service provider for the premises, if the water service provider is not the local government.</p>

<sup>6</sup>

Under section 89(9A), a local government cannot give a compliance permit for SEQ water work unless it is the relevant service provider for the work or 1 of the following applies:

- (a) the work has been approved by the distributor-retailer who is the relevant service provider for the work; or
- (b) the local government has been advised by the distributor-retailer in writing that a compliance permit for the type of work may be given without the distributor-retailer's approval.

Local Government	86(12)	In the specified circumstances, the power to give the person who made the request an information notice about the decision.
Local Government	86(13)(a)	In the specified circumstances, the power to form an opinion that a person is competent to give a notice of compliance.
Local Government	86AA(2)	Power to comply with notice given by distributor-retailer.
Local Government	86A(3)(b)	In the specified circumstances, power to ask the person who made the request to provide a plan of the completed work.
Local Government	86A(4)	Power to decide request for compliance assessment within the specified timeframe.
Local Government	86A(5)	In the specified circumstances, power to: (a) give the person making the request a compliance certificate; or (b) refuse to give a compliance certificate.
Local Government	86A(6)	Power to also give a copy of the compliance certificate to the owner of the premises to which the compliance certificate relates.
Local Government	86A(8)	Power to give the person who made the request an information notice about the decision.
Local Government	86B(3)	Power to decide request for compliance assessment for on-site sewerage work for testing purposes, within the specified timeframe.
Local Government	86D(3)	Power to replace a certificate with a new certificate that has different conditions for the ongoing operation, maintenance or testing of the relevant grey water use facility or on-site sewerage facility.
Local Government	86E(3)	Power to, by written notice, require the former holder of the certificate to remove all or a stated part of the relevant grey water use facility or on-site sewerage facility.
Local Government	86G(1)	In the specified circumstances, the power to amend a condition of a compliance certificate for work for testing purposes if it considers the amendment is necessary or desirable because of a change in a relevant chief executive approval.

## **Part 6 – Investigation and enforcement by local governments**

### **Division 1 – Inspectors**

<b>Entity power given to</b>	<b>Section of PLDA</b>	<b>Description</b>
Local Government	107(1)	Power to appoint an individual to be an inspector if satisfied the individual is qualified for appointment because the individual has the qualifications and experience prescribed under a regulation.

### **Division 2 – Enforcement**

<b>Entity power given to</b>	<b>Section of PLDA</b>	<b>Description</b>
Local Government	115(1)	In certain circumstances, power to give show cause notice.
Local Government	116(1)	In certain circumstances, power to give the owner of premises a notice requiring them to do a stated thing.
Local Government	116(2)	Power to give written notice to a person who has performed plumbing or drainage work requiring the person to do a stated

		thing if it is reasonably believed that the work does not comply with the <i>Plumbing and Drainage Act 2002</i> .
Local Government	117(1)	In the specified circumstances, power to form the reasonable belief that pollution of the water supply in premises or the water service provider's water service to premises has been, or could be, caused by the plumbing on the premises.
Local Government	117(2)	In the specified circumstances, power to give written notice to an owner or occupier of premises to do any of the following: <ul style="list-style-type: none"> <li>(a) install a backflow prevention device;</li> <li>(b) register a backflow prevention device that is required to be registered under the Standard Plumbing and Drainage Regulation;</li> <li>(c) have a backflow prevention device inspected, tested and if necessary repaired or replaced by a licensee licensed to do the work.</li> </ul>

## Part 6A – General offences

### Division 2 – Building and installation and related offences

Entity power given to	Section of PLDA	Description
Local Government	127A	Power to, in writing, authorise a person to dismantle or take away all or part of a greywater treatment plant installed on premises.
Local Government	128	Power to, in writing, authorise a person to dismantle or take away all or part of an on-site sewerage facility installed on premises.

### Division 5 – Discharge and disposal offences

Entity power given to	Section of PLDA	Description
Local Government	128OA	Power to authorise the disposal of the contents of a greywater treatment plant into the infrastructure of the sewerage service provider for the area in which the plant is located.
Local Government	128P(2)	Power to approve a place and a way a person must dispose of the contents (other than effluent) of an on-site sewerage facility that has not been installed only for testing purposes.
Local Government	128P(4)	Power to approve a place and a way a person must dispose of effluent from an on-site sewerage facility mentioned in subsection (2).

## Part 9 – Miscellaneous provisions

Entity power given to	Section of PLDA	Description
Local Government	143B	Power to monitor greywater use facilities in sewered areas to ensure the specified things.
Local Government	143C	Power to monitor on-site sewerage facilities installed for testing purposes in sewered areas to ensure the specified things.

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

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

[2017 11 10 - PLDA - Sub-Delegation Instrument]

### **Conditions imposed on all Delegations**

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

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

# INSTRUMENT OF SUB-DELEGATION

## **Torres Strait Island Regional Council** ***Plumbing and Drainage Act 2002 ("PLDA")***

Under section 259 of the *Local Government Act 2009*, I, **David Baldwin**, Acting 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 **23 February 2021** to delegate those powers to the Chief Executive Officer.

DATED this 14 day of 12 2021.

  
\_\_\_\_\_  
**David Baldwin**  
Acting Chief Executive Officer  
**Torres Strait Island Regional Council**

# **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.	18 March 2021			
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.	18 March 2021			

#### 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.	18 March 2021			

**Part 4 – Legal proceedings**

**Division 1 – General**

<b>Entity power given to</b>	<b>Section of PLDA</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	90(1)(d)	Power to commence a prosecution for an offense against this act, other than a crime.	18 March 2021			

**Part 6 – Role of local governments**

**Division 3 – Plumbing and drainage inspectors**

<b>Entity power given to</b>	<b>Section of PLDA</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	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.	18 March 2021			
Local Government	139(2)	Power to place conditions on the appointment of an inspector by placing those conditions in the instrument of appointment.	18 March 2021			
Local Government	142(a)	Power to advise the commissioner of each appointment of an inspector made by the local government.	18 March 2021			

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.	18 March 2021			
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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.	18 March 2021			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.	18 March 2021			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	18 March 2021			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.	18 March 2021			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**

**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** ***Public Health Regulation 2018 ("PUHR")***

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 Regulation 2018 ("PUHR")*****Part 2 – Public Health Risks**

<b>Entity power given to</b>	<b>Section of PUHR</b>	<b>Description</b>
Local Government	12(2)(c)	Power to approve a site for the disposal of asbestos waste.

## **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 03 29 - PUHR - 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 (section 9(3) LGA 2009); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
  - 
  - a. impact on land and/or sea; and/or
  - b. involve payment of compensation regarding land; and/or
  - c. require a budget amendment.

## DELEGABLE POWERS UNDER THE PUBLIC HEALTH REGULATION 2018 ("PUHR")

### Part 2 – Public Health Risks

Entity power given to	Section of PUHR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	12(2)(c)	Power to approve a site for the disposal of asbestos waste.	23 February 2021			

[2019 03 29 - PUHR - Delegation Table]

## INSTRUMENT OF SUB-DELEGATION

**Torres Strait Island Regional Council**  
*Public Health Regulation 2018 ("PUHR")*

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 Regulation 2018 ("PUHR")*

#### Part 2 – Public Health Risks

Entity power given to	Section of PUHR	Description
Local Government	12(2)(c)	Power to approve a site for the disposal of asbestos waste.

## **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 03 29 - PUHR - 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 (section 9(3) LGA 2009); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
  - 
  - a. impact on land and/or sea; and/or
  - b. involve payment of compensation regarding land; and/or
  - c. require a budget amendment.

# **INSTRUMENT OF DELEGATION**

## **Torres Strait Island Regional Council** ***Public Records Act 2002 ("PURA")***

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

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

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

**Public Records Act 2002 ("PURA")****Part 2 – Public records****Division 2 – Making, managing, keeping and preserving public records**

Entity power given to	Section of PURA	Description
Public Authority	10(1)(a)	Power to give written notice of a public record's existence to the archivist.

**Division 3 – Access to public records**

Entity power given to	Section of PURA	Description
Responsible Public Authority	16(1)(a)	Power to classify a public record as containing information that potentially is exempt information under the RTI Act, schedule 3, section 3.
Responsible Public Authority	16(1)(A)	Power to classify a public record as containing information that potentially is exempt information under the RTI Act, Schedule 3, section 2.
Responsible Public Authority	16(2)	Power to classify a public record as containing information about the personal affairs of an individual, whether living or dead.
Responsible Public Authority	16(2)(b)(i)	Power to give a written notice to the archivist.
Responsible Public Authority	16(3)(a)	Power to give a written notice to the archivist.
Responsible Public Authority	18(2)(b)	Power to give a written notice to the archivist.
Responsible Public Authority	19(2)	Power to give a written notice to the archivist to change the restricted access notice.
Responsible Public Authority	19(3)	Power to, if asked by the archivist, or by written notice given to the archivist to change the restricted access notice.
Responsible Public Authority	19(4)	Power to refer a dispute to the Public Records Review Committee for resolution.

**Part 3 – State archivist and Queensland State Archives****Division 2 – Functions and powers**

Entity power given to	Section of PURA	Description
Public Authority	26(1)	Power to apply for, or consent to, the disposal of records.
Public Authority	28	Power to make an arrangement with the archivist regarding the storage of public records in a place other than the archives.

**Division 3 – Public records review committee**

***Subdivision 3 – Committee's review of archivist's decisions***

<b>Entity power given to</b>	<b>Section of PURA</b>	<b>Description</b>
Public Authority	39(1)	Power to make written application to the committee for a review of the decision made by the archivist.

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

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

[2013 05 03 - PURA - Delegation Instrument]

### **Conditions imposed on all Delegations**

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

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

## DELEGABLE POWERS UNDER THE PUBLIC RECORDS ACT 2002 ("PURA")

### Part 2 – Public records

#### Division 2 – Making, managing, keeping and preserving public records

Entity power given to	Section of PURA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Public Authority	10(1)(a)	Power to give written notice of a public record's existence to the archivist.	23 February 2021			

#### Division 3 – Access to public records

Entity power given to	Section of PURA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Responsible Public Authority	16(1)(a)	Power to classify a public record as containing information that potentially is exempt information under the RTI Act, schedule 3, section 3.	23 February 2021			
Responsible Public Authority	16(1)(A)	Power to classify a public record as containing information that potentially is exempt information under the RTI Act, Schedule 3, section 2.	23 February 2021			
Responsible Public Authority	16(2)	Power to classify a public record as containing information about the personal affairs of an individual, whether living or dead.	23 February 2021			
Responsible Public Authority	16(2)(b)(i)	Power to give a written notice to the archivist.	23 February 2021			

Responsible Public Authority	16(3)(a)	Power to give a written notice to the archivist.	23 February 2021			
Responsible Public Authority	18(2)(b)	Power to give a written notice to the archivist.	23 February 2021			
Responsible Public Authority	19(2)	Power to give a written notice to the archivist to change the restricted access notice.	23 February 2021			
Responsible Public Authority	19(3)	Power to, if asked by the archivist, or by written notice given to the archivist to change the restricted access notice.	23 February 2021			
Responsible Public Authority	19(4)	Power to refer a dispute to the Public Records Review Committee for resolution.	23 February 2021			

### **Part 3 – State archivist and Queensland State Archives**

#### **Division 2 – Functions and powers**

<b>Entity power given to</b>	<b>Section of PURA</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>
Public Authority	26(1)	Power to apply for, or consent to, the disposal of records.	23 February 2021			
Public Authority	28	Power to make an arrangement with the archivist regarding the storage of public records in a place other than the archives.	23 February 2021			

**Division 3 – Public records review committee**

***Subdivision 3 – Committee's review of archivist's decisions***

Entity power given to	Section of PURA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Public Authority	39(1)	Power to make written application to the committee for a review of the decision made by the archivist.	23 February 2021			

[2013 05 03 - PURA - Delegation Table]

# INSTRUMENT OF SUB-DELEGATION

**Torres Strait Island Regional Council**  
*Public Records Act 2002 ("PURA")*

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 Records Act 2002 ("PURA")*

#### Part 2 – Public records

##### Division 2 – Making, managing, keeping and preserving public records

Entity power given to	Section of PURA	Description
Public Authority	10(1)(a)	Power to give written notice of a public record's existence to the archivist.

##### Division 3 – Access to public records

Entity power given to	Section of PURA	Description
Responsible Public Authority	16(1)(a)	Power to classify a public record as containing information that potentially is exempt information under the RTI Act, schedule 3, section 3.
Responsible Public Authority	16(1)(A)	Power to classify a public record as containing information that potentially is exempt information under the RTI Act, Schedule 3, section 2.
Responsible Public Authority	16(2)	Power to classify a public record as containing information about the personal affairs of an individual, whether living or dead.
Responsible Public Authority	16(2)(b)(i)	Power to give a written notice to the archivist.
Responsible Public Authority	16(3)(a)	Power to give a written notice to the archivist.
Responsible Public Authority	18(2)(b)	Power to give a written notice to the archivist.
Responsible Public Authority	19(2)	Power to give a written notice to the archivist to change the restricted access notice.
Responsible Public Authority	19(3)	Power to, if asked by the archivist, or by written notice given to the archivist to change the restricted access notice.
Responsible Public Authority	19(4)	Power to refer a dispute to the Public Records Review Committee for resolution.

#### Part 3 – State archivist and Queensland State Archives

##### Division 2 – Functions and powers

Entity power given to	Section of PURA	Description
Public Authority	26(1)	Power to apply for, or consent to, the disposal of records.
Public Authority	28	Power to make an arrangement with the archivist regarding the storage of public records in a place other than the archives.

**Division 3 – Public records review committee**

***Subdivision 3 – Committee's review of archivist's decisions***

<b>Entity power given to</b>	<b>Section of PURA</b>	<b>Description</b>
Public Authority	39(1)	Power to make written application to the committee for a review of the decision made by the archivist.

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

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

[2013 05 03 - PURA - Sub-Delegation Instrument]

### **Conditions imposed on all Delegations**

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

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

# **INSTRUMENT OF DELEGATION**

## **Torres Strait Island Regional Council** ***Queensland Heritage Act 1992 ("QUHA")***

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

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

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

**Queensland Heritage Act 1992 ("QUHA")**

**Part 6 – Development in Queensland heritage places and local heritage places**  
**Division 2 – Exemption certificates**

Entity power given to	Section of QUHA	Description
Decision-maker (Chief Executive Officer)	72(1)	Power to consider an application for an exemption certificate.
Decision-maker (Chief Executive Officer)	72(2)(b)(i)	Power to assess and decide the impact of a proposed development on the cultural heritage significance of a place.
Decision-maker (Chief Executive Officer)	72(3)(b)	Power to decide if a development will not have a detrimental impact, or will only have a minimal impact on the cultural heritage significance of the place.
Decision-maker (Chief Executive Officer)	73(1)	Power to request, by notice to the applicant, further information reasonably required to decide the application.
Decision-maker (Chief Executive Officer)	74(2)	Power to approve the application, with or without conditions
Decision-maker (Chief Executive Officer)	74(3)	Power to refuse the application or approve the application with conditions

**Part 7 – Heritage agreements and local heritage agreements**

Entity power given to	Section of QUHA	Description
Chief Executive Officer	80(2)	Power to enter into a local heritage agreement for a local heritage place with: (a) the owner of the place; or (b) with the owner's consent, another person or entity who has an interest in the place.
Chief Executive Officer	80(5)	Power to change or end a local heritage agreement for a local heritage place by agreement with the party it was entered into with.
The power is stated to be given to a 'party' to the agreement. The Local Government will be the 'party'	82(1)(b)	Power to form reasonable belief that the other party to the agreement may fail to comply with the agreement.
The power is stated to be given to a 'party' to the agreement. The Local Government will be the 'party'	82(1)	Power to make an application to the Planning and Environment Court for an order under this section.

**Part 8<sup>1</sup> –****Notices about essential repair and maintenance of State heritage places and local heritage places**

Entity power given to	Section of QUHA	Description
Decision-maker (Chief Executive Officer)	84(1)(a) and (b)	Power to form reasonable belief that it is necessary to carry out essential repair or maintenance work on the place and that the work is required to be carried out to protect the place from damage or deterioration caused by weather, fire, vandalism, or insects.
Decision-maker (Chief Executive Officer)	84(3)	Power to consult with the owner of the place about the essential repair or maintenance work the decision-maker believes necessary to carry out.

**Part 11 –****Provisions about places of cultural heritage significance in local government areas****Division 3 – Entry of places in, and removal of places from, local heritage registers**

Entity power given to	Section of QUHA	Description
Local Government	116(1)	Power to propose to enter a place in a local heritage register if: (a) the place is in the local government's area; and (b) the delegate reasonably considers the place is a place of cultural heritage significance for its area.
Local Government	116(3)	Power to be satisfied that a place is no longer a place of cultural heritage significance for its area.
Local Government	117(1)	Where it is proposed to enter a place in, or remove a place from, its local heritage register, power to: (a) give the owner of the place notice of the proposal; and (b) within 10 days after giving the notice, publish the notice in a newspaper circulating generally in the area.
Local Government	118	Before deciding to enter a place in, or remove a place from, its local heritage roster, power to: (a) have regard to– (i) The submissions received under section 117 about the proposal to enter or remove the place; and (ii) If the chief executive, under section 112A(2), recommended that the local government enter the place in its register - the information about the place included in the notice; and (b) Have regard to other information the local government considers relevant.

<sup>1</sup> Part 8 is only applicable to a local government prescribed by regulation.

**Part 12 –****Enforcement****Division 1 – Authorised persons**

<b>Entity power given to</b>	<b>Section of QUHA</b>	<b>Description</b>
Chief Executive Officer	125(2)	Power to, by instrument in writing, appoint a local government employee of the local government as an authorised person.
Chief Executive Officer	125(3)	Power to form the view that a person is appropriately qualified for appointment as an authorised person.

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

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

[2017 07 03 - QUHA - Delegation Instrument]

### **Conditions imposed on all Delegations**

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

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

## DELEGABLE POWERS UNDER THE QUEENSLAND HERITAGE ACT 1992 ("QUHA")

### Part 6 – Development in Queensland heritage places and local heritage places

#### Division 2 – Exemption certificates

Entity power given to	Section of QUHA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Decision-maker (Chief Executive Officer)	72(1)	Power to consider an application for an exemption certificate.	This power does not need to be delegated by Council as it is delegated directly to the CEO under the Act			
Decision-maker (Chief Executive Officer)	72(2)(b)(i)	Power to assess and decide the impact of a proposed development on the cultural heritage significance of a place.	This power does not need to be delegated by Council as it is delegated directly to the CEO under the Act			
Decision-maker (Chief Executive Officer)	72(3)(b)	Power to decide if a development will not have a detrimental impact, or will only have a minimal impact on the cultural heritage significance of the place.	This power does not need to be delegated by Council as it is delegated directly to the CEO under the Act			
Decision-maker (Chief Executive Officer)	73(1)	Power to request, by notice to the applicant, further information reasonably required to decide the application.	This power does not need to be delegated by			

Executive Officer)			Council as it is delegated directly to the CEO under the Act			
Decision-maker (Chief Executive Officer)	74(2)	Power to approve the application, with or without conditions	This power does not need to be delegated by Council as it is delegated directly to the CEO under the Act			
Decision-maker (Chief Executive Officer)	74(3)	Power to refuse the application or approve the application with conditions	This power does not need to be delegated by Council as it is delegated directly to the CEO under the Act			

**Part 7 — Heritage agreements and local heritage agreements**

Entity power given to	Section of QUHA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Chief Executive Officer	80(2)	Power to enter into a local heritage agreement for a local heritage place with: (a) the owner of the place; or (b) with the owner's consent, another person or entity who has an interest in the place.	This power does not need to be delegated by Council as it is delegated directly to the CEO under the Act			
Chief Executive Officer	80(5)	Power to change or end a local heritage agreement for a local heritage place by agreement with the party it was entered into with.	This power does not need to be delegated by Council as it is delegated directly			

			to the CEO under the Act			
The power is stated to be given to a 'party' to the agreement. The Local Government will be the 'party'	82(1)(b)	Power to form reasonable belief that the other party to the agreement may fail to comply with the agreement.	23 February 2021			
The power is stated to be given to a 'party' to the agreement. The Local Government will be the 'party'	82(1)	Power to make an application to the Planning and Environment Court for an order under this section.	23 February 2021			

**Part 8<sup>2</sup> – Notices about essential repair and maintenance of State heritage places and local heritage places**

Entity power given to	Section of QUHA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Decision-maker (Chief Executive Officer)	84(1)(a) and (b)	Power to form reasonable belief that it is necessary to carry out essential repair or maintenance work on the place and that the work is required to be carried out to protect the place from damage or deterioration caused by weather, fire, vandalism, or insects.	This power does not need to be delegated by Council as it is delegated directly to the CEO under the Act			Section 175A provides the CEO may not delegate its powers under Part 8 of the Act.

<sup>2</sup> Part 8 is only applicable to a local government prescribed by regulation.

Decision-maker (Chief Executive Officer)	84(3)	Power to consult with the owner of the place about the essential repair or maintenance work the decision-maker believes necessary to carry out.	This power does not need to be delegated by Council as it is delegated directly to the CEO under the Act			
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**Part 11 – Provisions about places of cultural heritage significance in local government areas**

**Division 3 – Entry of places in, and removal of places from, local heritage registers**

Entity power given to	Section of QUHA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	116(1)	Power to propose to enter a place in a local heritage register if: (a) the place is in the local government's area; and (b) the delegate reasonably considers the place is a place of cultural heritage significance for its area.	23 February 2021			
Local Government	116(3)	Power to be satisfied that a place is no longer a place of cultural heritage significance for its area.	23 February 2021			
Local Government	117(1)	Where it is proposed to enter a place in, or remove a place from, its local heritage register, power to: (a) give the owner of the place notice of the proposal; and (b) within 10 days after giving the notice, publish the notice in a newspaper circulating generally in the area.	23 February 2021			

Local Government	118	<p>Before deciding to enter a place in, or remove a place from, its local heritage roster, power to:</p> <p>(a) have regard to—</p> <p>(i) The submissions received under section 117 about the proposal to enter or remove the place; and</p> <p>(ii) If the chief executive, under section 112A(2), recommended that the local government enter the place in its register - the information about the place included in the notice; and</p> <p>(b) Have regard to other information the local government considers relevant.</p>	23 February 2021			
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**Part 12 – Enforcement****Division 1 – Authorised persons**

Entity power given to	Section of QUHA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Chief Executive Officer	125(2)	Power to, by instrument in writing, appoint a local government employee of the local government as an authorised person.	This power does not need to be delegated by Council as it is given directly to the CEO under the Act.			
Chief Executive Officer	125(3)	Power to form the view that a person is appropriately qualified for appointment as an authorised person.	This power does not need to be delegated by Council as it is given directly to the CEO under the Act.			

[2017 07 03 - QUHA - Delegation Table]

## INSTRUMENT OF SUB-DELEGATION

**Torres Strait Island Regional Council**  
*Queensland Heritage Act 1992 ("QUHA")*

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

### *Queensland Heritage Act 1992 ("QUHA")*

**Part 6 – Development in Queensland heritage places and local heritage places**  
**Division 2 – Exemption certificates**

Entity power given to	Section of QUHA	Description
Decision-maker (Chief Executive Officer)	72(1)	Power to consider an application for an exemption certificate.
Decision-maker (Chief Executive Officer)	72(2)(b)(i)	Power to assess and decide the impact of a proposed development on the cultural heritage significance of a place.
Decision-maker (Chief Executive Officer)	72(3)(b)	Power to decide if a development will not have a detrimental impact, or will only have a minimal impact on the cultural heritage significance of the place.
Decision-maker (Chief Executive Officer)	73(1)	Power to request, by notice to the applicant, further information reasonably required to decide the application.
Decision-maker (Chief Executive Officer)	74(2)	Power to approve the application, with or without conditions
Decision-maker (Chief Executive Officer)	74(3)	Power to refuse the application or approve the application with conditions

**Part 7 – Heritage agreements and local heritage agreements**

Entity power given to	Section of QUHA	Description
Chief Executive Officer	80(2)	Power to enter into a local heritage agreement for a local heritage place with: (a) the owner of the place; or (b) with the owner's consent, another person or entity who has an interest in the place.
Chief Executive Officer	80(5)	Power to change or end a local heritage agreement for a local heritage place by agreement with the party it was entered into with.
The power is stated to be given to a 'party' to the agreement. The Local Government will be the 'party'	82(1)(b)	Power to form reasonable belief that the other party to the agreement may fail to comply with the agreement.
The power is stated to be given to a 'party' to the agreement. The	82(1)	Power to make an application to the Planning and Environment Court for an order under this section.

Local Government will be the 'party'		
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**Part 8<sup>3</sup> – Notices about essential repair and maintenance of State heritage places and local heritage places**

Entity power given to	Section of QUHA	Description
Decision-maker (Chief Executive Officer)	84(1)(a) and (b)	Power to form reasonable belief that it is necessary to carry out essential repair or maintenance work on the place and that the work is required to be carried out to protect the place from damage or deterioration caused by weather, fire, vandalism, or insects.
Decision-maker (Chief Executive Officer)	84(3)	Power to consult with the owner of the place about the essential repair or maintenance work the decision- maker believes necessary to carry out.

**Part 11 – Provisions about places of cultural heritage significance in local government areas**

**Division 3 – Entry of places in, and removal of places from, local heritage registers**

Entity power given to	Section of QUHA	Description
Local Government	116(1)	Power to propose to enter a place in a local heritage register if: (a) the place is in the local government's area; and (b) the delegate reasonably considers the place is a place of cultural heritage significance for its area.
Local Government	116(3)	Power to be satisfied that a place is no longer a place of cultural heritage significance for its area.
Local Government	117(1)	Where it is proposed to enter a place in, or remove a place from, its local heritage register, power to: (a) give the owner of the place notice of the proposal; and (b) within 10 days after giving the notice, publish the notice in a newspaper circulating generally in the area.
Local Government	118	Before deciding to enter a place in, or remove a place from, its local heritage roster, power to: (a) have regard to— (i) The submissions received under section 117 about the proposal to enter or remove the place; and (ii) If the chief executive, under section 112A(2), recommended that the local government enter the place in its register - the information about the place included in the notice; and (b) Have regard to other information the local government considers relevant.

<sup>3</sup> Part 8 is only applicable to a local government prescribed by regulation.

**Part 12 –****Enforcement****Division 1 – Authorised persons**

<b>Entity power given to</b>	<b>Section of QUHA</b>	<b>Description</b>
Chief Executive Officer	125(2)	Power to, by instrument in writing, appoint a local government employee of the local government as an authorised person.
Chief Executive Officer	125(3)	Power to form the view that a person is appropriately qualified for appointment as an authorised person.

## LIMITATIONS TO THE EXERCISE OF POWER

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

[2017 07 03 - QUHA - Sub-Delegation Instrument]

### Conditions imposed on all Delegations

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

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

# **INSTRUMENT OF DELEGATION**

## **Torres Strait Island Regional Council** ***Right to Information Act 2009 ("RTIA")***

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.

***Right to Information Act 2009 ("RTIA")*****CHAPTER 3 – DISCLOSURE BY APPLICATION UNDER THIS ACT****Part 3 – Dealing with application****Division 2 – Preliminary contact with applicant**

Entity power given to	Section of RTIA	Description
<b>NOTE</b>	<b>30(1)</b>	<b>Power to deal with all access applications made to a local government as an agency under this Act, is given directly to the Chief Executive Officer as the Council's "principal officer".</b>
Principal Officer	30(2)	The CEO as the Council's Principal Officer has the power to delegate the principal officer powers to deal with an application to another officer of the agency.
Entity	32(1)(b)	Power to decide the application is outside the scope of this Act.
Entity	32(2)	Power to give a prescribed written notice to the applicant of the decision.
Agency	33(2)	Power to inform the person how the application does not comply with the relevant application requirement.
Agency	33(3)	Power to consult with the applicant with a view to making an application in a form complying with all relevant application requirements.
Agency	33(6)	Power to decide the application does not comply with all relevant application requirements and give the applicant prescribed written notice of the decision.
Agency	34(2)	Power to, within 15 business days after the application is received, inform the applicant that: <ul style="list-style-type: none"> <li>(a) the application could have been made under the Information Privacy Act without any application fee or processing charge being payable; and</li> <li>(b) the applicant may either: <ul style="list-style-type: none"> <li>(i) ask for the application to be dealt with under the Information Privacy Act; or</li> <li>(ii) confirm the application as an application under this Act.</li> </ul> </li> </ul>
Agency	35(1)	In the specified circumstances, power to ask the applicant for a further specified period to consider the application.
Agency	35(3)	In the specified circumstances, power to continue to consider the application and make a considered decision relating to it.
Agency	36(1)	If a person makes an access application, power to: <ul style="list-style-type: none"> <li>(a) consider whether a processing charge or access charge is payable in relation to the application; and</li> <li>(b) before the end of the processing period for the application, give the applicant: <ul style="list-style-type: none"> <li>(i) a schedule of relevant documents for the applicant unless the applicant waives the requirement; and</li> <li>(ii) a charges estimate notice.</li> </ul> </li> </ul>

Agency	36(2)	Power to consult with the applicant with a view to narrowing the application to reduce the applicable charges.
Agency	36(4)	Power to give the applicant a new charges estimate notice.
Agency	36(7)	Power to agree to extend the prescribed period.

### Division 3 – Contact with relevant third party

Entity power given to	Section of RTIA	Description
Agency	37(1)	Power to give access to a document that contains information the disclosure of which may reasonably be expected to be of concern to a government, agency or person ( <b>relevant third party</b> ) only after taking steps that are reasonably practicable to: <ul style="list-style-type: none"> <li>(a) obtain the views of the relevant third party about whether: <ul style="list-style-type: none"> <li>(i) the document is a document to which this Act does not apply; or</li> <li>(ii) the information is exempt information or contrary to public interest information; and</li> </ul> </li> <li>(b) inform the relevant third party that if access is given to the document because of an access application, access may also be given to the document under a disclosure log.</li> </ul>
Agency	37(3)(b)	Power to decide: <ul style="list-style-type: none"> <li>(i) the document is a document to which this Act does apply; or</li> <li>(ii) the information is not exempt information or contrary to public interest information.</li> </ul>
Agency	37(3)(c)	Power to give prescribed written notice of the decision to the applicant and relevant third party.
Agency	37(4)	Power to give the applicant written notice when access is no longer deferred under subsection (3)(d).

### Division 4 – Transfers

Entity power given to	Section of RTIA	Description
Agency	38(2)	In the specified circumstances, power to transfer an application to another agency.
Agency	38(2)(b)	Power to consent to the transfer of an application.

### Part 4 – Refusal to deal with application

Entity power given to	Section of RTIA	Description
Agency	40(2)	Power to refuse to deal with the application without having identified any or all of the documents.
Agency	41(1)	Power to consider that the work involved in dealing with an application or all of the applications would substantially and unreasonably divert the resources of agency from their use, and subsequently the power to refuse to deal with an access application, or if there are 2 or more, all of the applications.
Agency	42(1)(a)	Power to give the applicant a written notice:

		<ul style="list-style-type: none"> <li>(i) stating an intention to refuse to deal with the application; and</li> <li>(ii) advising that, for the prescribed consultation period for the notice, the applicant may consult with the agency with a view to making an application in a form that would remove the ground for refusal; and</li> <li>(iii) stating the effect of subsections (2) to (6).</li> </ul>
Agency	42(1)(a)(ii)	Power to consult the applicant with a view to making an application in the form that would remove the ground for refusal.
Agency	42(6)	Power to agree to a longer prescribed consultation period.
Agency	43(3)	In the specified circumstances, power to refuse to deal with a later application to the extent it is for access to a document or documents sought under the first application.
Agency	43(3)(b)(ii)	Power to decide that the application is for a document to which this Act does not apply.
Agency	43(3)(b)(iii)	Power to decide that the document or documents sought are documents access to which was refused under section 47.
Agency	43(3)(c)(ii)	Power to decide that the application is for a document to which chapter 3 of the Information Privacy Act does not apply.

## Part 5 – Decision

Entity power given to	Section of RTIA	Description
Agency	45(a)	In the specified circumstances, power to make a considered decision: <ul style="list-style-type: none"> <li>(i) whether access is to be given to the document; and</li> <li>(ii) if the access is to be given – whether any charge must be paid before access is given.</li> </ul>
Agency	45(b)	Power to give the person written notice of the decision under section 54.
Principal Officer	46(2)	In the specified circumstances, power to give prescribed written notice of the decision to the applicant.
Agency	47(3)	In the specified circumstances, power to refuse access to a document of the agency.
Agency	48(1)	For an access application made for a document, power to decide to give access to the document unless disclosure would, on balance, be contrary to the public interest.
Agency	48(3)	Despite section 48(1), power to decide to give access to all or part of a document.
Agency	49(1)	For an access application made for a document, power to decide to give access to the document unless disclosure would, on balance, be contrary to the public interest.
Agency	49(3)	Power to consider on the balance, disclosure of information would be contrary to the public interest.
Agency	49(5)	Despite section 47(3)(b), power to decide to give access to all or part of a document.
Agency	50(1)	For an access application made for a document, power to decide to give access to the document unless disclosure would, on balance, be contrary to the public interest.
Agency	50(4)	Despite section 47(3)(c), power to decide to give access to all or part of a document.

Agency	51(1)	For an access application made for a document, power to decide to give access to the document unless disclosure would, on balance, be contrary to the public interest.
Agency	51(3)	Despite section 47(3)(d), power to decide to give access to all or part of a document.
Agency	52(1)(a)	Power to be satisfied that a document does not exist.
Agency	52(1)(b)	Power to be satisfied that: (i) the document has been or should be in the agency's possession; and (ii) all reasonable steps have been taken to find the document but the document cannot be found.
Agency	52(2)	In the specified circumstances, power to consider the document has been kept in, and is retrievable from, the backup system.
Agency	54(1)	In the specified purposes, power to give a prescribed written notice to an applicant for an access application.
Agency	55(2)	In the specified circumstances, power to give a prescribed written notice.

**Part 6 – Charging regime**  
**Division 3 – Waiver of charges**

Entity power given to	Section of RTIA	Description
Agency	64(1)	Power to consider that the likely associated costs to the agency would be more than the likely amount of the charge, and waive a processing or access charge.
Agency	66(2)	In the specified circumstances, power to decide to waive any processing charge, or access charge for the application.
Agency	66(3)	Power to give the applicant a prescribed written notice of a decision under subsection (2) before the end of the processing period.

**Part 7 – Giving access**  
**Division 1 – Giving access to applicant**

Entity power given to	Section of RTIA	Description
Agency	68(4)	In the specified circumstances, power to refuse access in a particular form and to give in another form.
Agency	68(8)	Power to give access to a document in another form if agreed to by the applicant.
Agency	72(1)	In the specified circumstances, power to defer giving access to a document for a reasonable period.
Agency	72(2)	Power to give the applicant written notice when access is no longer deferred under section 72(1).
Agency	73(1)	Power to reasonably consider whether information in a document is not relevant to the access application for the document.
Agency	73(2)	Power to delete irrelevant information from a copy of a document and give access to the document by giving access to a copy of the document with the irrelevant information deleted.

Agency	73(3)	Power to decide that it is reasonably practicable to give access to the copy.
Agency	74(2)	In the specified circumstances, power to give access.
Agency	75(2)	In the specified circumstances, power to give access.
Agency	75B(2)	In the specified circumstances, power to give access.
Agency	76(2)	In the specified circumstances, power to consider whether it is consistent with the primary object of the Act to give the applicant, or a person nominated by the applicant and approved by the agency (an <i>intermediary</i> ), a summary of the person information on conditions of use or disclosure agreed between the agency and the intermediary, or between the agency, the intermediary and the applicant.
Agency	76(3)	Power to: (a) consult with the information giver; (b) consult with the other person.
Agency	77(2)	In the specified circumstances, power to direct that access to the document is to be given instead to an appropriately qualified healthcare professional nominated by the applicant and approved by the agency.

## Part 8 – Internal review

Entity power given to	Section of RTIA	Description
Agency	83(1)	Power to decide an internal review application.
Agency	83(2)	Power to notify the applicant of the decision in the circumstances specified.
Principal Officer	83(3)	Power to give prescribed written notice of the decision to the applicant.

## Part 9 – External review

### Division 3 – After application made

Entity power given to	Section of RTIA	Description
Agency	93(1)(b)	Power to apply to the commissioner to allow further time to deal with the access application.

### Division 5 – Powers of information commissioner on external review

Entity power given to	Section of RTIA	Description
Agency	99(2)	Power to give an additional statement to the commissioner and the applicant, containing further and better particulars of the reasons for the decision.

## Part 10 – Vexatious applicants

Entity power given to	Section of RTIA	Description
Agency	114(1)	Power to apply to the information commissioner to request a declaration that a person is a vexatious applicant.

**Part 11 – References of questions of law and appeals**

<b>Entity power given to</b>	<b>Section of RTIA</b>	<b>Description</b>
Participant in an external review	118(1)	Power to request the commissioner refer a question of law arising on an external review to QCAT.
Participant in an external review	119(1)	Power to appeal to the appeal tribunal against the decision of the information commissioner on the external review.

**SCHEDULE 4 – Factors for deciding the public interest**

**Part 4 – Factors favouring nondisclosure in the public interest because of public interest harming disclosure**

<b>Entity power given to</b>	<b>Section of RTIA</b>	<b>Description</b>
Prescribed entity	1(3)	Power to make an application to the information commissioner to extend the 10 year period if the commissioner considers the extension in the public interest.

## **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 01 - RTIA - 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 (section 9(3) LGA 2009); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
  - 
  - a. impact on land and/or sea; and/or
  - b. involve payment of compensation regarding land; and/or
  - c. require a budget amendment.

# DELEGABLE POWERS UNDER THE RIGHT TO INFORMATION ACT 2009 ("RTIA")

## CHAPTER 3 – DISCLOSURE BY APPLICATION UNDER THIS ACT

### Part 3 – Dealing with application

#### Division 2 – Preliminary contact with applicant

Entity power given to	Section of RTIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
NOTE	30(1)	Power to deal with all access applications made to a local government as an agency under this Act, is given directly to the Chief Executive Officer as the Council's "principal officer".	23 February 2021			
Principal Officer	30(2)	The CEO as the Council's Principal Officer has the power to delegate the principal officer powers to deal with an application to another officer of the agency.	This power does not need to be delegated as it is given directly to the CEO (as the agency's principal officer) under the Act.			
Entity	32(1)(b)	Power to decide the application is outside the scope of this Act.	23 February 2021			
Entity	32(2)	Power to give a prescribed written notice to the applicant of the decision.	23 February 2021			
Agency	33(2)	Power to inform the person how the application does not comply with the relevant application requirement.	23 February 2021			

Agency	33(3)	Power to consult with the applicant with a view to making an application in a form complying with all relevant application requirements.	23 February 2021			
Agency	33(6)	Power to decide the application does not comply with all relevant application requirements and give the applicant prescribed written notice of the decision.	23 February 2021			
Agency	34(2)	Power to, within 15 business days after the application is received, inform the applicant that: (a) the application could have been made under the Information Privacy Act without any application fee or processing charge being payable; and (b) the applicant may either: (i) ask for the application to be dealt with under the Information Privacy Act; or (ii) confirm the application as an application under this Act.	23 February 2021			
Agency	35(1)	In the specified circumstances, power to ask the applicant for a further specified period to consider the application.	23 February 2021			
Agency	35(3)	In the specified circumstances, power to continue to consider the application and make a considered decision relating to it.	23 February 2021			
Agency	36(1)	If a person makes an access application, power to: (a) consider whether a processing charge or access charge is payable in relation to the application; and	23 February 2021			

		(b) before the end of the processing period for the application, give the applicant: (i) a schedule of relevant documents for the applicant unless the applicant waives the requirement; and (ii) a charges estimate notice.				
Agency	36(2)	Power to consult with the applicant with a view to narrowing the application to reduce the applicable charges.	23 February 2021			
Agency	36(4)	Power to give the applicant a new charges estimate notice.	23 February 2021			
Agency	36(7)	Power to agree to extend the prescribed period.	23 February 2021			

### Division 3 – Contact with relevant third party

Entity power given to	Section of RTIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Agency	37(1)	Power to give access to a document that contains information the disclosure of which may reasonably be expected to be of concern to a government, agency or person ( <b>relevant third party</b> ) only after taking steps that are reasonably practicable to: (a) obtain the views of the relevant third party about whether: (i) the document is a document to which this Act does not apply; or (ii) the information is exempt information or contrary to	23 February 2021			

		public interest information; and (b) inform the relevant third party that if access is given to the document because of an access application, access may also be given to the document under a disclosure log.				
Agency	37(3)(b)	Power to decide: (i) the document is a document to which this Act does apply; or (ii) the information is not exempt information or contrary to public interest information.	23 February 2021			
Agency	37(3)(c)	Power to give prescribed written notice of the decision to the applicant and relevant third party.	23 February 2021			
Agency	37(4)	Power to give the applicant written notice when access is no longer deferred under subsection (3)(d).	23 February 2021			

#### Division 4 – Transfers

Entity power given to	Section of RTIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Agency	38(2)	In the specified circumstances, power to transfer an application to another agency.	23 February 2021			
Agency	38(2)(b)	Power to consent to the transfer of an application.	23 February 2021			

**Part 4 – Refusal to deal with application**

Entity power given to	Section of RTIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Agency	40(2)	Power to refuse to deal with the application without having identified any or all of the documents.	23 February 2021			
Agency	41(1)	Power to consider that the work involved in dealing with an application or all of the applications would substantially and unreasonably divert the resources of agency from their use, and subsequently the power to refuse to deal with an access application, or if there are 2 or more, all of the applications.	23 February 2021			
Agency	42(1)(a)	Power to give the applicant a written notice: (i) stating an intention to refuse to deal with the application; and (ii) advising that, for the prescribed consultation period for the notice, the applicant may consult with the agency with a view to making an application in a form that would remove the ground for refusal; and (iii) stating the effect of subsections (2) to (6).	23 February 2021			
Agency	42(1)(a)(ii)	Power to consult the applicant with a view to making an application in the form that would remove the ground for refusal.	23 February 2021			
Agency	42(6)	Power to agree to a longer prescribed consultation period.	23 February 2021			
Agency	43(3)	In the specified circumstances, power to refuse to deal with a later application to the	23 February 2021			

		extent it is for access to a document or documents sought under the first application.				
Agency	43(3)(b)(ii)	Power to decide that the application is for a document to which this Act does not apply.	23 February 2021			
Agency	43(3)(b)(iii)	Power to decide that the document or documents sought are documents access to which was refused under section 47.	23 February 2021			
Agency	43(3)(c)(ii)	Power to decide that the application is for a document to which chapter 3 of the Information Privacy Act does not apply.	23 February 2021			

## Part 5 – Decision

Entity power given to	Section of RTIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Agency	45(a)	In the specified circumstances, power to make a considered decision: (i) whether access is to be given to the document; and (ii) if the access is to be given – whether any charge must be paid before access is given.	23 February 2021			
Agency	45(b)	Power to give the person written notice of the decision under section 54.	23 February 2021			
Principal Officer	46(2)	In the specified circumstances, power to give prescribed written notice of the decision to the applicant.	This power does not need to be delegated as it is given directly to the CEO as the Principal Officer under the Act.			
Agency	47(3)	In the specified circumstances, power to refuse access to a document of the agency.	23 February 2021			Note that section 30(5) and section 30(6) prevents

						powers under section 47(3)(d) to be delegated to an officer other than the CEO.
Agency	48(1)	For an access application made for a document, power to decide to give access to the document unless disclosure would, on balance, be contrary to the public interest.	23 February 2021			
Agency	48(3)	Despite section 48(1), power to decide to give access to all or part of a document.	23 February 2021			
Agency	49(1)	For an access application made for a document, power to decide to give access to the document unless disclosure would, on balance, be contrary to the public interest.	23 February 2021			
Agency	49(3)	Power to consider on the balance, disclosure of information would be contrary to the public interest.	23 February 2021			
Agency	49(5)	Despite section 47(3)(b), power to decide to give access to all or part of a document.	23 February 2021			
Agency	50(1)	For an access application made for a document, power to decide to give access to the document unless disclosure would, on balance, be contrary to the public interest.	23 February 2021			
Agency	50(4)	Despite section 47(3)(c), power to decide to give access to all of part of a document.	23 February 2021			
Agency	51(1)	For an access application made for a document, power to decide to give access to the document unless disclosure would, on balance, be contrary to the public interest.	23 February 2021			This section cannot be delegated to an officer other than the CEO, given the operation of section 30(5) and (6).
Agency	51(3)	Despite section 47(3)(d), power to decide to give access to all or part of a document.	23 February 2021			This section cannot be delegated to an

						officer other than the CEO, given the operation of section 30(5) and (6).
Agency	52(1)(a)	Power to be satisfied that a document does not exist.	23 February 2021			
Agency	52(1)(b)	Power to be satisfied that: (i) the document has been or should be in the agency's possession; and (ii) all reasonable steps have been taken to find the document but the document cannot be found.	23 February 2021			
Agency	52(2)	In the specified circumstances, power to consider the document has been kept in, and is retrievable from, the backup system.	23 February 2021			
Agency	54(1)	In the specified purposes, power to give a prescribed written notice to an applicant for an access application.	23 February 2021			
Agency	55(2)	In the specified circumstances, power to give a prescribed written notice.	23 February 2021			

## Part 6 – Charging regime

### Division 3 – Waiver of charges

Entity power given to	Section of RTIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Agency	64(1)	Power to consider that the likely associated costs to the agency would be more than the likely amount of the charge, and waive a processing or access charge.	23 February 2021			
Agency	66(2)	In the specified circumstances, power to decide to waive any processing charge, or access charge for the application.	23 February 2021			

Agency	66(3)	Power to give the applicant a prescribed written notice of a decision under subsection (2) before the end of the processing period.	23 February 2021			
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## Part 7 – Giving access

### Division 1 – Giving access to applicant

Entity power given to	Section of RTIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Agency	68(4)	In the specified circumstances, power to refuse access in a particular form and to give in another form.	23 February 2021			
Agency	68(8)	Power to give access to a document in another form if agreed to by the applicant.	23 February 2021			
Agency	72(1)	In the specified circumstances, power to defer giving access to a document for a reasonable period.	23 February 2021			
Agency	72(2)	Power to give the applicant written notice when access is no longer deferred under section 72(1).	23 February 2021			
Agency	73(1)	Power to reasonably consider whether information in a document is not relevant to the access application for the document.	23 February 2021			
Agency	73(2)	Power to delete irrelevant information from a copy of a document and give access to the document by giving access to a copy of the document with the irrelevant information deleted.	23 February 2021			
Agency	73(3)	Power to decide that it is reasonably practicable to give access to the copy.	23 February 2021			
Agency	74(2)	In the specified circumstances, power to give access.	23 February 2021			

Agency	75(2)	In the specified circumstances, power to give access.	23 February 2021			
Agency	75B(2)	In the specified circumstances, power to give access.	23 February 2021			
Agency	76(2)	In the specified circumstances, power to consider whether it is consistent with the primary object of the Act to give the applicant, or a person nominated by the applicant and approved by the agency (an <b>intermediary</b> ), a summary of the person information on conditions of use or disclosure agreed between the agency and the intermediary, or between the agency, the intermediary and the applicant.	23 February 2021			
Agency	76(3)	Power to: (a) consult with the information giver; (b) consult with the other person.	23 February 2021			
Agency	77(2)	In the specified circumstances, power to direct that access to the document is to be given instead to an appropriately qualified healthcare professional nominated by the applicant and approved by the agency.	23 February 2021			This section cannot be delegated to an officer other than the CEO, given the operation of section 30(5) and (6).

## Part 8 – Internal review

Entity power given to	Section of RTIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Agency	83(1)	Power to decide an internal review application.	23 February 2021			
Agency	83(2)	Power to notify the applicant of the decision in the circumstances specified.	23 February 2021			
Principal Officer	83(3)	Power to give prescribed written notice of the decision to the applicant.	This power does not need to be			

			delegated as it is given directly to the CEO as the Principal Officer under the Act.			
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## Part 9 – External review

### Division 3 – After application made

Entity power given to	Section of RTIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Agency	93(1)(b)	Power to apply to the commissioner to allow further time to deal with the access application.	23 February 2021			

### Division 5 – Powers of information commissioner on external review

Entity power given to	Section of RTIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Agency	99(2)	Power to give an additional statement to the commissioner and the applicant, containing further and better particulars of the reasons for the decision.	23 February 2021			

## Part 10 – Vexatious applicants

Entity power given to	Section of RTIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Agency	114(1)	Power to apply to the information commissioner to request a declaration that a person is a vexatious applicant.	23 February 2021			

**Part 11 – References of questions of law and appeals**

Entity power given to	Section of RTIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Participant in an external review	118(1)	Power to request the commissioner refer a question of law arising on an external review to QCAT.	23 February 2021			
Participant in an external review	119(1)	Power to appeal to the appeal tribunal against the decision of the information commissioner on the external review.	23 February 2021			

**SCHEDULE 4 – Factors for deciding the public interest**

**Part 4 – Factors favouring nondisclosure in the public interest because of public interest harming disclosure**

Entity power given to	Section of RTIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Prescribed entity	1(3)	Power to make an application to the information commissioner to extend the 10 year period if the commissioner considers the extension in the public interest.	23 February 2021			

[2019 04 01 - RTIA - Delegation Table]

# INSTRUMENT OF SUB-DELEGATION

**Torres Strait Island Regional Council**  
*Right to Information Act 2009 ("RTIA")*

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

### *Right to Information Act 2009 ("RTIA")*

#### CHAPTER 3 – DISCLOSURE BY APPLICATION UNDER THIS ACT

##### Part 3 – Dealing with application

##### Division 2 – Preliminary contact with applicant

Entity power given to	Section of RTIA	Description
<b>NOTE</b>	<b>30(1)</b>	<b>Power to deal with all access applications made to a local government as an agency under this Act, is given directly to the Chief Executive Officer as the Council's "principal officer".</b>
Principal Officer	30(2)	The CEO as the Council's Principal Officer has the power to delegate the principal officer powers to deal with an application to another officer of the agency.
Entity	32(1)(b)	Power to decide the application is outside the scope of this Act.
Entity	32(2)	Power to give a prescribed written notice to the applicant of the decision.
Agency	33(2)	Power to inform the person how the application does not comply with the relevant application requirement.
Agency	33(3)	Power to consult with the applicant with a view to making an application in a form complying with all relevant application requirements.
Agency	33(6)	Power to decide the application does not comply with all relevant application requirements and give the applicant prescribed written notice of the decision.
Agency	34(2)	Power to, within 15 business days after the application is received, inform the applicant that: <ul style="list-style-type: none"> <li>(a) the application could have been made under the Information Privacy Act without any application fee or processing charge being payable; and</li> <li>(b) the applicant may either:               <ul style="list-style-type: none"> <li>(i) ask for the application to be dealt with under the Information Privacy Act; or</li> <li>(ii) confirm the application as an application under this Act.</li> </ul> </li> </ul>
Agency	35(1)	In the specified circumstances, power to ask the applicant for a further specified period to consider the application.
Agency	35(3)	In the specified circumstances, power to continue to consider the application and make a considered decision relating to it.
Agency	36(1)	If a person makes an access application, power to: <ul style="list-style-type: none"> <li>(a) consider whether a processing charge or access charge is payable in relation to the application; and</li> <li>(b) before the end of the processing period for the application, give the applicant:</li> </ul>

		(i) a schedule of relevant documents for the applicant unless the applicant waives the requirement; and (ii) a charges estimate notice.
Agency	36(2)	Power to consult with the applicant with a view to narrowing the application to reduce the applicable charges.
Agency	36(4)	Power to give the applicant a new charges estimate notice.
Agency	36(7)	Power to agree to extend the prescribed period.

### Division 3 – Contact with relevant third party

Entity power given to	Section of RTIA	Description
Agency	37(1)	Power to give access to a document that contains information the disclosure of which may reasonably be expected to be of concern to a government, agency or person ( <b>relevant third party</b> ) only after taking steps that are reasonably practicable to: <ul style="list-style-type: none"> <li>(a) obtain the views of the relevant third party about whether:               <ul style="list-style-type: none"> <li>(i) the document is a document to which this Act does not apply; or</li> <li>(ii) the information is exempt information or contrary to public interest information; and</li> </ul> </li> <li>(b) inform the relevant third party that if access is given to the document because of an access application, access may also be given to the document under a disclosure log.</li> </ul>
Agency	37(3)(b)	Power to decide: <ul style="list-style-type: none"> <li>(i) the document is a document to which this Act does apply; or</li> <li>(ii) the information is not exempt information or contrary to public interest information.</li> </ul>
Agency	37(3)(c)	Power to give prescribed written notice of the decision to the applicant and relevant third party.
Agency	37(4)	Power to give the applicant written notice when access is no longer deferred under subsection (3)(d).

### Division 4 – Transfers

Entity power given to	Section of RTIA	Description
Agency	38(2)	In the specified circumstances, power to transfer an application to another agency.
Agency	38(2)(b)	Power to consent to the transfer of an application.

### Part 4 – Refusal to deal with application

Entity power given to	Section of RTIA	Description
Agency	40(2)	Power to refuse to deal with the application without having identified any or all of the documents.
Agency	41(1)	Power to consider that the work involved in dealing with an application or all of the applications would substantially and unreasonably divert the resources of agency from their use, and

		subsequently the power to refuse to deal with an access application, or if there are 2 or more, all of the applications.
Agency	42(1)(a)	Power to give the applicant a written notice: (i) stating an intention to refuse to deal with the application; and (ii) advising that, for the prescribed consultation period for the notice, the applicant may consult with the agency with a view to making an application in a form that would remove the ground for refusal; and (iii) stating the effect of subsections (2) to (6).
Agency	42(1)(a)(ii)	Power to consult the applicant with a view to making an application in the form that would remove the ground for refusal.
Agency	42(6)	Power to agree to a longer prescribed consultation period.
Agency	43(3)	In the specified circumstances, power to refuse to deal with a later application to the extent it is for access to a document or documents sought under the first application.
Agency	43(3)(b)(ii)	Power to decide that the application is for a document to which this Act does not apply.
Agency	43(3)(b)(iii)	Power to decide that the document or documents sought are documents access to which was refused under section 47.
Agency	43(3)(c)(ii)	Power to decide that the application is for a document to which chapter 3 of the Information Privacy Act does not apply.

## Part 5 – Decision

Entity power given to	Section of RTIA	Description
Agency	45(a)	In the specified circumstances, power to make a considered decision: (i) whether access is to be given to the document; and (ii) if the access is to be given – whether any charge must be paid before access is given.
Agency	45(b)	Power to give the person written notice of the decision under section 54.
Principal Officer	46(2)	In the specified circumstances, power to give prescribed written notice of the decision to the applicant.
Agency	47(3)	In the specified circumstances, power to refuse access to a document of the agency.
Agency	48(1)	For an access application made for a document, power to decide to give access to the document unless disclosure would, on balance, be contrary to the public interest.
Agency	48(3)	Despite section 48(1), power to decide to give access to all or part of a document.
Agency	49(1)	For an access application made for a document, power to decide to give access to the document unless disclosure would, on balance, be contrary to the public interest.
Agency	49(3)	Power to consider on the balance, disclosure of information would be contrary to the public interest.
Agency	49(5)	Despite section 47(3)(b), power to decide to give access to all or part of a document.

Agency	50(1)	For an access application made for a document, power to decide to give access to the document unless disclosure would, on balance, be contrary to the public interest.
Agency	50(4)	Despite section 47(3)(c), power to decide to give access to all or part of a document.
Agency	51(1)	For an access application made for a document, power to decide to give access to the document unless disclosure would, on balance, be contrary to the public interest.
Agency	51(3)	Despite section 47(3)(d), power to decide to give access to all or part of a document.
Agency	52(1)(a)	Power to be satisfied that a document does not exist.
Agency	52(1)(b)	Power to be satisfied that: (i) the document has been or should be in the agency's possession; and (ii) all reasonable steps have been taken to find the document but the document cannot be found.
Agency	52(2)	In the specified circumstances, power to consider the document has been kept in, and is retrievable from, the backup system.
Agency	54(1)	In the specified purposes, power to give a prescribed written notice to an applicant for an access application.
Agency	55(2)	In the specified circumstances, power to give a prescribed written notice.

## **Part 6 – Charging regime**

### **Division 3 – Waiver of charges**

<b>Entity power given to</b>	<b>Section of RTIA</b>	<b>Description</b>
Agency	64(1)	Power to consider that the likely associated costs to the agency would be more than the likely amount of the charge, and waive a processing or access charge.
Agency	66(2)	In the specified circumstances, power to decide to waive any processing charge, or access charge for the application.
Agency	66(3)	Power to give the applicant a prescribed written notice of a decision under subsection (2) before the end of the processing period.

## **Part 7 – Giving access**

### **Division 1 – Giving access to applicant**

<b>Entity power given to</b>	<b>Section of RTIA</b>	<b>Description</b>
Agency	68(4)	In the specified circumstances, power to refuse access in a particular form and to give in another form.
Agency	68(8)	Power to give access to a document in another form if agreed to by the applicant.
Agency	72(1)	In the specified circumstances, power to defer giving access to a document for a reasonable period.
Agency	72(2)	Power to give the applicant written notice when access is no longer deferred under section 72(1).

Agency	73(1)	Power to reasonably consider whether information in a document is not relevant to the access application for the document.
Agency	73(2)	Power to delete irrelevant information from a copy of a document and give access to the document by giving access to a copy of the document with the irrelevant information deleted.
Agency	73(3)	Power to decide that it is reasonably practicable to give access to the copy.
Agency	74(2)	In the specified circumstances, power to give access.
Agency	75(2)	In the specified circumstances, power to give access.
Agency	75B(2)	In the specified circumstances, power to give access.
Agency	76(2)	In the specified circumstances, power to consider whether it is consistent with the primary object of the Act to give the applicant, or a person nominated by the applicant and approved by the agency (an <i>intermediary</i> ), a summary of the person information on conditions of use or disclosure agreed between the agency and the intermediary, or between the agency, the intermediary and the applicant.
Agency	76(3)	Power to: (a) consult with the information giver; (b) consult with the other person.
Agency	77(2)	In the specified circumstances, power to direct that access to the document is to be given instead to an appropriately qualified healthcare professional nominated by the applicant and approved by the agency.

## Part 8 – Internal review

Entity power given to	Section of RTIA	Description
Agency	83(1)	Power to decide an internal review application.
Agency	83(2)	Power to notify the applicant of the decision in the circumstances specified.
Principal Officer	83(3)	Power to give prescribed written notice of the decision to the applicant.

## Part 9 – External review

### Division 3 – After application made

Entity power given to	Section of RTIA	Description
Agency	93(1)(b)	Power to apply to the commissioner to allow further time to deal with the access application.

### Division 5 – Powers of information commissioner on external review

Entity power given to	Section of RTIA	Description
Agency	99(2)	Power to give an additional statement to the commissioner and the applicant, containing further and better particulars of the reasons for the decision.

**Part 10 – Vexatious applicants**

Entity power given to	Section of RTIA	Description
Agency	114(1)	Power to apply to the information commissioner to request a declaration that a person is a vexatious applicant.

**Part 11 – References of questions of law and appeals**

Entity power given to	Section of RTIA	Description
Participant in an external review	118(1)	Power to request the commissioner refer a question of law arising on an external review to QCAT.
Participant in an external review	119(1)	Power to appeal to the appeal tribunal against the decision of the information commissioner on the external review.

**SCHEDULE 4 – Factors for deciding the public interest****Part 4 – Factors favouring nondisclosure in the public interest because of public interest harming disclosure**

Entity power given to	Section of RTIA	Description
Prescribed entity	1(3)	Power to make an application to the information commissioner to extend the 10 year period if the commissioner considers the extension in the public interest.

## **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 01 - RTIA - 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 (section 9(3) LGA 2009); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
  - 
  - a. impact on land and/or sea; and/or
  - b. involve payment of compensation regarding land; and/or
  - c. require a budget amendment.

# **INSTRUMENT OF DELEGATION**

## **Torres Strait Island Regional Council** ***Standard Plumbing and Drainage Regulation 2003 ("SPDR")***

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

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

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

**Standard Plumbing and Drainage Regulation 2003 ("SPDR")****Part 3 – Compliance assessment and inspection of notifiable work****Division 2 – Assessing plans**

Entity power given to	Section of SPDR	Description
Local Government	14(6)	Power to require a person to give a reasonable number of copies of a plan for compliance assessable work.
Local Government	14D(3)(c)(ii)	In the specified circumstances, the power to require other information in relation to the testing.
Local Government	15(1)	Power to decide that a part of the compliance assessable work is outside the local government's expertise to assess.
Local Government	15(2)	In the specified circumstances, the power to accept certification of a plan for compliance assessable work and associated documents by a competent person.

**Division 3 – Assessing plumbing and drainage work**

Entity power given to	Section of SPDR	Description
Local Government	18(2)	In the specified circumstances, the power to require a person to give Council the information or documents needed to assess compliance assessable work.
Local Government	20(2)(a)	In the specified circumstances, the power to agree on a time an inspector must start assessing the compliance assessable work with the responsible person for the work.
Local Government	22(6)(b)	In the specified circumstances, the power to allow a responsible person for compliance assessable work to give a compliance report at a time more than 10 business days after the testing or commissioning.
Local Government	22(7)(b)(i)	In the specified circumstances, the power to form an opinion that another person is competent to test or commission the plumbing or drainage.

**Division 4 – Assessing compliance assessable work in remote areas**

Entity power given to	Section of SPDR	Description
Local Government	27	In the specified circumstances, the power to decide to test or commission plumbing or drainage, the subject of compliance assessable work carried out in a remote area.
Local Government	29(1)(b)	Power to decide to accept a notice given under section 86A(3)(a) of the <i>Plumbing and Drainage Act 2002</i> from another person.
Local Government	29(3)	If a notice given under section 86A(3)(a) of the <i>Plumbing and Drainage Act 2002</i> is accepted from an approved person, the power to advise the person who performs the compliance assessable work of this decision.

### Division 5 – Inspecting notifiable work

Entity power given to	Section of SPDR	Description
Local Government	29A(2)(a)	In the specified circumstances, the power to agree on a time with the responsible person that an inspector must start inspecting the work.
Local Government	29B(2)	The power to form a reasonable belief the work does not comply with this regulation, and to give the responsible person for the work written notice (a <b>rectification notice</b> ) of the action required to make the work comply.
Local Government	29B(4)(c)	The power to form a reasonable belief an inspection of the rectification work is required.
Local Government	29B(4)(d)	The power to decide conditions that the delegate considers reasonable.
Local Government	29B(10)(a)	The power to decide with the responsible person a period within which the responsible person must comply with a rectification notice.

### Part 4 – Production certification

Entity power given to	Section of SPDR	Description
Local Government	30(3)(b)	Power to be satisfied that use of a non-certified plumbing or drainage item is necessary for maintaining the plumbing and drainage in its original form and to approve the continued use of the non-certified plumbing or drainage item.
Local Government	30(4)	For approving the continued use of a non-certified plumbing or drainage item under section 30(3)(b) of the <i>Standard Plumbing and Drainage Regulation 2003</i> , the power to require a person to have the plumbing or drainage item tested at the person's cost within a stated reasonable time and at a stated reasonable place.
Local Government	32	In the specified circumstances, the power to: <ul style="list-style-type: none"> <li>(a) require that a plumbing or drainage item is not installed or used in the circumstances; and</li> <li>(b) approve the installation or use of: <ul style="list-style-type: none"> <li>(i) the plumbing or drainage item, but with a protective coating, lining or wrapping for the plumbing or drainage item; or</li> <li>(ii) another plumbing or drainage item.</li> </ul> </li> </ul>

### Part 5 – Installations on premises

#### Division 1 – Supply pipes and drains

Entity power given to	Section of SPDR	Description
Local Government	34(1)	In the specified circumstances, the power to form a belief on reasonable grounds that an ordinary supply pipe can not give an efficient water supply for the premises or premises group.
Local Government	34(2)	In the specified circumstances and for a supply pipe for premises, the power to require:

		<p>(a) part or all of the supply pipe (the <b>premises main</b>) to be built to the standard of a water main; and</p> <p>(b) the premises main to supply directly each separately occupied part of the premises; and</p> <p>(c) the premises main to supply directly each fire service within the premises.</p>
Local Government	34(3)	<p>In the specified circumstances and for a supply pipe for a premises group, the power to require:</p> <p>(a) a part of the supply pipe (the <b>premise group main</b>) to be built, in the way and to the extent directed, to the standard of a water main; and</p> <p>(b) each separately occupied part of the premises group to be served directly by a supply pipe connected to the premises group main; and</p> <p>(c) each separately occupied part of the premises group that is to have a fire service to be served directly by a fire service connected to the premises group main.</p>
Local Government	35(1)	In the specified circumstances, the power to form the belief on reasonable grounds that drainage alone can not give efficient drainage for the premises.
Local Government	35(2)	In the specified circumstances and for sanitary drainage for premises, the power to require the building of a sewer for the premises (the <b>premises sewer</b> ) that it is to the standard of a sewer forming part of Council's or another service provider's sewerage system.
Local Government	35(3)	In the specified circumstances and for sanitary drainage for a premises group, the power to require a sewer for the premises group (the <b>premises group sewer</b> ) be built to the standard of a sewer forming part of Council's or another service provider's sewerage system.

### Division 2 – Backflow prevention devices

Entity power given to	Section of SPDR	Description
Local Government	38(2)	Power to keep a register of the testable backflow prevention devices or authorise another entity to keep such a register.

### Division 3 – Arrestors

Entity power given to	Section of SPDR	Description
Local Government	39(1)(d)	Power to require a larger capacity for a grease arrestor on premises.
Local Government	39(7)(a)	Power to approve the diameter of any outlet pipe from a grease arrestor on premises.
Local Government	39(8)	Power to approve the design and location of the ventilation for a grease arrestor on premises.
Local Government	39(9)	In approving the design and location of a grease arrestor's ventilation under section 39(8) of the <i>Standard Plumbing and Drainage Regulation 2003</i> , the power to have regard to the grease arrestor's design and the location of trap water seals in the grease arrestor.

#### Division 4 – Other installations for plumbing

Entity power given to	Section of SPDR	Description
Local Government	41(1)(a)	Power to approve the connection of air cooling equipment to a supply pipe.
Local Government	41(2)(b)	In the specified circumstances, the power to approve the connection and use of air cooling equipment that is in the form of a domestic evaporative air conditioner.
Local Government	41(3)	Power to give an approval under section 41(2) of the <i>Standard Plumbing and Drainage Regulation 2003</i> only if satisfied that it is reasonable in the circumstances to allow the equipment's use.
Local Government	44(1)(a)	Power to approve the connection of hydraulic powered equipment to a supply pipe.
Local Government	44(2)(b)	Power to approve the connection and use, on premises occupied by a disabled person, of hydraulic powered equipment that is in the form of a domestic water lift.
Local Government	44(3)	Power to give an approval under section 44(2) of the <i>Standard Plumbing and Drainage Regulation 2003</i> only if satisfied there is no other practical or economic way of giving mobility to the disabled person.
Local Government	45(1)	Power to give written approval to a pipe carrying water supplied by Council or another service provider: <ul style="list-style-type: none"> <li>(a) being connected to a water storage tank used to store water obtained from another source; or</li> <li>(b) being discharged into a water storage tank used to store water obtained from another source.</li> </ul>

#### Division 5 – Other installations for drainage

Entity power given to	Section of SPDR	Description
Local Government	47(1)	Power to give approval for a water closet pan, urinal or another fixture to be installed in part of a premises below the level of the sewer or on-site sewerage facility for the premises.
Local Government	47(2)	Power to give an approval under section 47(1) of the <i>Standard Plumbing and Drainage Regulation 2003</i> only if satisfied on reasonable grounds that there is adequate provision for lifting waste water to the sewer or on-site sewerage facility and preventing sewerage flowing back into the room.
Local Government	52(2)	In the specified circumstances, the power to, by written notice given to an owner of a new building and an owner of an old building, require that: <ul style="list-style-type: none"> <li>(a) the new building's owner pay the reasonable costs of changing the vents on the old building; and</li> <li>(b) the old building's owner change the vents.</li> </ul>

#### Part 6 – Appointment of inspectors

Entity power given to	Section of SPDR	Description
Local Government	53(2)(a)	In the specified circumstances, the power to form the opinion that an individual has the qualifications, skills and experience to

		give the individual the necessary competence for assessing plumbing and drainage work.
Local Government	53(3)(a)	In the specified circumstances, the power to form the opinion that an individual has the qualifications, skills and experience that gives the individual the necessary competence for inspecting and approving on-site sewerage facilities.

#### **Part 7 – Miscellaneous provisions**

<b>Entity power given to</b>	<b>Section of SPDR</b>	<b>Description</b>
Local Government	54(3)(a)	In the specified circumstances, the power to perform the work.
Local Government	54(3)(b)	In the specified circumstances, the power to fairly apportion the reasonable overall cost between or among the owners.
Local Government	54(3)(c)	In the specified circumstances, the power to recover, as a debt from each owner, the owner's share of the costs.

#### **SCHEDULE 6 - DICTIONARY**

<b>Entity power given to</b>	<b>Section of SPDR</b>	<b>Description</b>
Local Government	Schedule 6 definition of "Competent person"	In the specified circumstances, the power to form an opinion that a person is competent to practise in the aspect of design of plumbing or drainage, including, for example, giving and certifying plans of plumbing or drainage work.

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

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

[2017 10 27 - SPDR - Delegation Instrument]

### **Conditions imposed on all Delegations**

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

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

## DELEGABLE POWERS UNDER THE STANDARD PLUMBING AND DRAINAGE REGULATION 2003 ("SPDR")

### Part 3 – Compliance assessment and inspection of notifiable work

#### Division 2 – Assessing plans

Entity power given to	Section of SPDR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	14(6)	Power to require a person to give a reasonable number of copies of a plan for compliance assessable work.	23 February 2021			
Local Government	14D(3)(c)(ii)	In the specified circumstances, the power to require other information in relation to the testing.	23 February 2021			
Local Government	15(1)	Power to decide that a part of the compliance assessable work is outside the local government's expertise to assess.	The power is given directly to the CEO under the legislation and, therefore, does not need to be delegated by Council.			
Local Government	15(2)	In the specified circumstances, the power to accept certification of a plan for compliance assessable work and associated documents by a competent person.	23 February 2021			

**Division 3 – Assessing plumbing and drainage work**

Entity power given to	Section of SPDR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	18(2)	In the specified circumstances, the power to require a person to give Council the information or documents needed to assess compliance assessable work.	23 February 2021			
Local Government	20(2)(a)	In the specified circumstances, the power to agree on a time an inspector must start assessing the compliance assessable work with the responsible person for the work.	23 February 2021			
Local Government	22(6)(b)	In the specified circumstances, the power to allow a responsible person for compliance assessable work to give a compliance report at a time more than 10 business days after the testing or commissioning.	23 February 2021			
Local Government	22(7)(b)(i)	In the specified circumstances, the power to form an opinion that another person is competent to test or commission the plumbing or drainage.	23 February 2021			

**Division 4 – Assessing compliance assessable work in remote areas**

Entity power given to	Section of SPDR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	27	In the specified circumstances, the power to decide to test or commission plumbing or drainage, the subject of compliance assessable work carried out in a remote area.	23 February 2021			

Local Government	29(1)(b)	Power to decide to accept a notice given under section 86A(3)(a) of the <i>Plumbing and Drainage Act 2002</i> from another person.	23 February 2021			
Local Government	29(3)	If a notice given under section 86A(3)(a) of the <i>Plumbing and Drainage Act 2002</i> is accepted from an approved person, the power to advise the person who performs the compliance assessable work of this decision.	23 February 2021			

### Division 5 – Inspecting notifiable work

Entity power given to	Section of SPDR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	29A(2)(a)	In the specified circumstances, the power to agree on a time with the responsible person that an inspector must start inspecting the work.	23 February 2021			
Local Government	29B(2)	The power to form a reasonable belief the work does not comply with this regulation, and to give the responsible person for the work written notice (a <b>rectification notice</b> ) of the action required to make the work comply.	23 February 2021			
Local Government	29B(4)(c)	The power to form a reasonable belief an inspection of the rectification work is required.	23 February 2021			
Local Government	29B(4)(d)	The power to decide conditions that the delegate considers reasonable.	23 February 2021			
Local Government	29B(10)(a)	The power to decide with the responsible person a period within which the responsible person must comply with a rectification notice.	23 February 2021			

**Part 4 – Production certification**

Entity power given to	Section of SPDR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	30(3)(b)	Power to be satisfied that use of a non-certified plumbing or drainage item is necessary for maintaining the plumbing and drainage in its original form and to approve the continued use of the non-certified plumbing or drainage item.	23 February 2021			
Local Government	30(4)	For approving the continued use of a non-certified plumbing or drainage item under section 30(3)(b) of the <i>Standard Plumbing and Drainage Regulation 2003</i> , the power to require a person to have the plumbing or drainage item tested at the person's cost within a stated reasonable time and at a stated reasonable place.	23 February 2021			
Local Government	32	In the specified circumstances, the power to: (a) require that a plumbing or drainage item is not installed or used in the circumstances; and (b) approve the installation or use of: (i) the plumbing or drainage item, but with a protective coating, lining or wrapping for the plumbing or drainage item; or (ii) another plumbing or drainage item.	23 February 2021			

**Part 5 – Installations on premises**

**Division 1 – Supply pipes and drains**

Entity power given to	Section of SPDR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	34(1)	In the specified circumstances, the power to form a belief on reasonable grounds that an ordinary supply pipe can not give an efficient water supply for the premises or premises group.	23 February 2021			
Local Government	34(2)	In the specified circumstances and for a supply pipe for premises, the power to require: <ul style="list-style-type: none"> <li>(a) part or all of the supply pipe (the <b>premises main</b>) to be built to the standard of a water main; and</li> <li>(b) the premises main to supply directly each separately occupied part of the premises; and</li> <li>(c) the premises main to supply directly each fire service within the premises.</li> </ul>	23 February 2021			
Local Government	34(3)	In the specified circumstances and for a supply pipe for a premises group, the power to require: <ul style="list-style-type: none"> <li>(a) a part of the supply pipe (the <b>premise group main</b>) to be built, in the way and to the extent directed, to the standard of a water main; and</li> <li>(b) each separately occupied part of the premises group to be served directly by a supply pipe connected to the premises group main; and</li> <li>(c) each separately occupied part of the premises group that is to have a fire service to be served directly by a fire</li> </ul>	23 February 2021			

		service connected to the premises group main.				
Local Government	35(1)	In the specified circumstances, the power to form the belief on reasonable grounds that drainage alone can not give efficient drainage for the premises.	23 February 2021			
Local Government	35(2)	In the specified circumstances and for sanitary drainage for premises, the power to require the building of a sewer for the premises (the <b>premises sewer</b> ) that it is to the standard of a sewer forming part of Council's or another service provider's sewerage system.	23 February 2021			
Local Government	35(3)	In the specified circumstances and for sanitary drainage for a premises group, the power to require a sewer for the premises group (the <b>premises group sewer</b> ) be built to the standard of a sewer forming part of Council's or another service provider's sewerage system.	23 February 2021			

#### Division 2 – Backflow prevention devices

Entity power given to	Section of SPDR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	38(2)	Power to keep a register of the testable backflow prevention devices or authorise another entity to keep such a register.	23 February 2021			

### Division 3 – Arrestors

Entity power given to	Section of SPDR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	39(1)(d)	Power to require a larger capacity for a grease arrestor on premises.	23 February 2021			
Local Government	39(7)(a)	Power to approve the diameter of any outlet pipe from a grease arrestor on premises.	23 February 2021			
Local Government	39(8)	Power to approve the design and location of the ventilation for a grease arrestor on premises.	23 February 2021			
Local Government	39(9)	In approving the design and location of a grease arrestor's ventilation under section 39(8) of the <i>Standard Plumbing and Drainage Regulation 2003</i> , the power to have regard to the grease arrestor's design and the location of trap water seals in the grease arrestor.	23 February 2021			

### Division 4 – Other installations for plumbing

Entity power given to	Section of SPDR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	41(1)(a)	Power to approve the connection of air cooling equipment to a supply pipe.	23 February 2021			
Local Government	41(2)(b)	In the specified circumstances, the power to approve the connection and use of air cooling equipment that is in the form of a domestic evaporative air conditioner.	23 February 2021			
Local Government	41(3)	Power to give an approval under section 41(2) of the <i>Standard Plumbing and Drainage Regulation 2003</i> only if satisfied	23 February 2021			

		that it is reasonable in the circumstances to allow the equipment's use.				
Local Government	44(1)(a)	Power to approve the connection of hydraulic powered equipment to a supply pipe.	23 February 2021			
Local Government	44(2)(b)	Power to approve the connection and use, on premises occupied by a disabled person, of hydraulic powered equipment that is in the form of a domestic water lift.	23 February 2021			
Local Government	44(3)	Power to give an approval under section 44(2) of the <i>Standard Plumbing and Drainage Regulation 2003</i> only if satisfied there is no other practical or economic way of giving mobility to the disabled person.	23 February 2021			
Local Government	45(1)	Power to give written approval to a pipe carrying water supplied by Council or another service provider: (a) being connected to a water storage tank used to store water obtained from another source; or (b) being discharged into a water storage tank used to store water obtained from another source.	23 February 2021			

#### Division 5 – Other installations for drainage

Entity power given to	Section of SPDR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	47(1)	Power to give approval for a water closet pan, urinal or another fixture to be installed in part of a premises below the level of the sewer or on-site sewerage facility for the premises.	23 February 2021			

Local Government	47(2)	Power to give an approval under section 47(1) of the <i>Standard Plumbing and Drainage Regulation 2003</i> only if satisfied on reasonable grounds that there is adequate provision for lifting waste water to the sewer or on-site sewerage facility and preventing sewerage flowing back into the room.	23 February 2021			
Local Government	52(2)	In the specified circumstances, the power to, by written notice given to an owner of a new building and an owner of an old building, require that:  (a) the new building's owner pay the reasonable costs of changing the vents on the old building; and  (b) the old building's owner change the vents.	23 February 2021			

#### Part 6 – Appointment of inspectors

Entity power given to	Section of SPDR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	53(2)(a)	In the specified circumstances, the power to form the opinion that an individual has the qualifications, skills and experience to give the individual the necessary competence for assessing plumbing and drainage work.	23 February 2021			
Local Government	53(3)(a)	In the specified circumstances, the power to form the opinion that an individual has the qualifications, skills and experience that gives the individual the necessary competence for inspecting and approving on-site sewerage facilities.	23 February 2021			

**Part 7 – Miscellaneous provisions**

Entity power given to	Section of SPDR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	54(3)(a)	In the specified circumstances, the power to perform the work.	23 February 2021			
Local Government	54(3)(b)	In the specified circumstances, the power to fairly apportion the reasonable overall cost between or among the owners.	23 February 2021			
Local Government	54(3)(c)	In the specified circumstances, the power to recover, as a debt from each owner, the owner's share of the costs.	23 February 2021			

**SCHEDULE 6 - DICTIONARY**

Entity power given to	Section of SPDR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	Schedule 6 definition of "Competent person"	In the specified circumstances, the power to form an opinion that a person is competent to practise in the aspect of design of plumbing or drainage, including, for example, giving and certifying plans of plumbing or drainage work.	23 February 2021			

[2017 10 27 - SPDR - Delegation Table]

## INSTRUMENT OF SUB-DELEGATION

**Torres Strait Island Regional Council**  
***Standard Plumbing and Drainage Regulation 2003 ("SPDR")***

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

### *Standard Plumbing and Drainage Regulation 2003 ("SPDR")*

#### Part 3 – Compliance assessment and inspection of notifiable work

##### Division 2 – Assessing plans

Entity power given to	Section of SPDR	Description
Local Government	14(6)	Power to require a person to give a reasonable number of copies of a plan for compliance assessable work.
Local Government	14D(3)(c)(ii)	In the specified circumstances, the power to require other information in relation to the testing.
Local Government	15(1)	Power to decide that a part of the compliance assessable work is outside the local government's expertise to assess.
Local Government	15(2)	In the specified circumstances, the power to accept certification of a plan for compliance assessable work and associated documents by a competent person.

##### Division 3 – Assessing plumbing and drainage work

Entity power given to	Section of SPDR	Description
Local Government	18(2)	In the specified circumstances, the power to require a person to give Council the information or documents needed to assess compliance assessable work.
Local Government	20(2)(a)	In the specified circumstances, the power to agree on a time an inspector must start assessing the compliance assessable work with the responsible person for the work.
Local Government	22(6)(b)	In the specified circumstances, the power to allow a responsible person for compliance assessable work to give a compliance report at a time more than 10 business days after the testing or commissioning.
Local Government	22(7)(b)(i)	In the specified circumstances, the power to form an opinion that another person is competent to test or commission the plumbing or drainage.

##### Division 4 – Assessing compliance assessable work in remote areas

Entity power given to	Section of SPDR	Description
Local Government	27	In the specified circumstances, the power to decide to test or commission plumbing or drainage, the subject of compliance assessable work carried out in a remote area.
Local Government	29(1)(b)	Power to decide to accept a notice given under section 86A(3)(a) of the <i>Plumbing and Drainage Act 2002</i> from another person.
Local Government	29(3)	If a notice given under section 86A(3)(a) of the <i>Plumbing and Drainage Act 2002</i> is accepted from an approved person, the

		power to advise the person who performs the compliance assessable work of this decision.
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### Division 5 – Inspecting notifiable work

Entity power given to	Section of SPDR	Description
Local Government	29A(2)(a)	In the specified circumstances, the power to agree on a time with the responsible person that an inspector must start inspecting the work.
Local Government	29B(2)	The power to form a reasonable belief the work does not comply with this regulation, and to give the responsible person for the work written notice (a <b>rectification notice</b> ) of the action required to make the work comply.
Local Government	29B(4)(c)	The power to form a reasonable belief an inspection of the rectification work is required.
Local Government	29B(4)(d)	The power to decide conditions that the delegate considers reasonable.
Local Government	29B(10)(a)	The power to decide with the responsible person a period within which the responsible person must comply with a rectification notice.

### Part 4 – Production certification

Entity power given to	Section of SPDR	Description
Local Government	30(3)(b)	Power to be satisfied that use of a non-certified plumbing or drainage item is necessary for maintaining the plumbing and drainage in its original form and to approve the continued use of the non-certified plumbing or drainage item.
Local Government	30(4)	For approving the continued use of a non-certified plumbing or drainage item under section 30(3)(b) of the <i>Standard Plumbing and Drainage Regulation 2003</i> , the power to require a person to have the plumbing or drainage item tested at the person's cost within a stated reasonable time and at a stated reasonable place.
Local Government	32	In the specified circumstances, the power to: <ul style="list-style-type: none"> <li>(a) require that a plumbing or drainage item is not installed or used in the circumstances; and</li> <li>(b) approve the installation or use of: <ul style="list-style-type: none"> <li>(i) the plumbing or drainage item, but with a protective coating, lining or wrapping for the plumbing or drainage item; or</li> <li>(ii) another plumbing or drainage item.</li> </ul> </li> </ul>

### Part 5 – Installations on premises

#### Division 1 – Supply pipes and drains

Entity power given to	Section of SPDR	Description
Local Government	34(1)	In the specified circumstances, the power to form a belief on reasonable grounds that an ordinary supply pipe can not give an efficient water supply for the premises or premises group.

Local Government	34(2)	In the specified circumstances and for a supply pipe for premises, the power to require: <ul style="list-style-type: none"> <li>(a) part or all of the supply pipe (the <b>premises main</b>) to be built to the standard of a water main; and</li> <li>(b) the premises main to supply directly each separately occupied part of the premises; and</li> <li>(c) the premises main to supply directly each fire service within the premises.</li> </ul>
Local Government	34(3)	In the specified circumstances and for a supply pipe for a premises group, the power to require: <ul style="list-style-type: none"> <li>(a) a part of the supply pipe (the <b>premise group main</b>) to be built, in the way and to the extent directed, to the standard of a water main; and</li> <li>(b) each separately occupied part of the premises group to be served directly by a supply pipe connected to the premises group main; and</li> <li>(c) each separately occupied part of the premises group that is to have a fire service to be served directly by a fire service connected to the premises group main.</li> </ul>
Local Government	35(1)	In the specified circumstances, the power to form the belief on reasonable grounds that drainage alone can not give efficient drainage for the premises.
Local Government	35(2)	In the specified circumstances and for sanitary drainage for premises, the power to require the building of a sewer for the premises (the <b>premises sewer</b> ) that it is to the standard of a sewer forming part of Council's or another service provider's sewerage system.
Local Government	35(3)	In the specified circumstances and for sanitary drainage for a premises group, the power to require a sewer for the premises group (the <b>premises group sewer</b> ) be built to the standard of a sewer forming part of Council's or another service provider's sewerage system.

## Division 2 – Backflow prevention devices

Entity power given to	Section of SPDR	Description
Local Government	38(2)	Power to keep a register of the testable backflow prevention devices or authorise another entity to keep such a register.

## Division 3 – Arrestors

Entity power given to	Section of SPDR	Description
Local Government	39(1)(d)	Power to require a larger capacity for a grease arrestor on premises.
Local Government	39(7)(a)	Power to approve the diameter of any outlet pipe from a grease arrestor on premises.
Local Government	39(8)	Power to approve the design and location of the ventilation for a grease arrestor on premises.
Local Government	39(9)	In approving the design and location of a grease arrestor's ventilation under section 39(8) of the <i>Standard Plumbing and Drainage Regulation 2003</i> , the power to have regard to the grease arrestor's design and the location of trap water seals in the grease arrestor.

#### Division 4 – Other installations for plumbing

Entity power given to	Section of SPDR	Description
Local Government	41(1)(a)	Power to approve the connection of air cooling equipment to a supply pipe.
Local Government	41(2)(b)	In the specified circumstances, the power to approve the connection and use of air cooling equipment that is in the form of a domestic evaporative air conditioner.
Local Government	41(3)	Power to give an approval under section 41(2) of the <i>Standard Plumbing and Drainage Regulation 2003</i> only if satisfied that it is reasonable in the circumstances to allow the equipment's use.
Local Government	44(1)(a)	Power to approve the connection of hydraulic powered equipment to a supply pipe.
Local Government	44(2)(b)	Power to approve the connection and use, on premises occupied by a disabled person, of hydraulic powered equipment that is in the form of a domestic water lift.
Local Government	44(3)	Power to give an approval under section 44(2) of the <i>Standard Plumbing and Drainage Regulation 2003</i> only if satisfied there is no other practical or economic way of giving mobility to the disabled person.
Local Government	45(1)	Power to give written approval to a pipe carrying water supplied by Council or another service provider: <ul style="list-style-type: none"> <li>(a) being connected to a water storage tank used to store water obtained from another source; or</li> <li>(b) being discharged into a water storage tank used to store water obtained from another source.</li> </ul>

#### Division 5 – Other installations for drainage

Entity power given to	Section of SPDR	Description
Local Government	47(1)	Power to give approval for a water closet pan, urinal or another fixture to be installed in part of a premises below the level of the sewer or on-site sewerage facility for the premises.
Local Government	47(2)	Power to give an approval under section 47(1) of the <i>Standard Plumbing and Drainage Regulation 2003</i> only if satisfied on reasonable grounds that there is adequate provision for lifting waste water to the sewer or on-site sewerage facility and preventing sewerage flowing back into the room.
Local Government	52(2)	In the specified circumstances, the power to, by written notice given to an owner of a new building and an owner of an old building, require that: <ul style="list-style-type: none"> <li>(a) the new building's owner pay the reasonable costs of changing the vents on the old building; and</li> <li>(b) the old building's owner change the vents.</li> </ul>

#### Part 6 – Appointment of inspectors

Entity power given to	Section of SPDR	Description
Local Government	53(2)(a)	In the specified circumstances, the power to form the opinion that an individual has the qualifications, skills and experience to

		give the individual the necessary competence for assessing plumbing and drainage work.
Local Government	53(3)(a)	In the specified circumstances, the power to form the opinion that an individual has the qualifications, skills and experience that gives the individual the necessary competence for inspecting and approving on-site sewerage facilities.

**Part 7 – Miscellaneous provisions**

Entity power given to	Section of SPDR	Description
Local Government	54(3)(a)	In the specified circumstances, the power to perform the work.
Local Government	54(3)(b)	In the specified circumstances, the power to fairly apportion the reasonable overall cost between or among the owners.
Local Government	54(3)(c)	In the specified circumstances, the power to recover, as a debt from each owner, the owner's share of the costs.

**SCHEDULE 6 - DICTIONARY**

Entity power given to	Section of SPDR	Description
Local Government	Schedule 6 definition of "Competent person"	In the specified circumstances, the power to form an opinion that a person is competent to practise in the aspect of design of plumbing or drainage, including, for example, giving and certifying plans of plumbing or drainage work.

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

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

[2017 10 27 - SPDR - Sub-Delegation Instrument]

### **Conditions imposed on all Delegations**

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

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

# **INSTRUMENT OF DELEGATION**

## **Torres Strait Island Regional Council** ***Transport Operations (Road Use Management) Act 1995 ("TORA")***

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

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

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

**Transport Operations (Road Use Management) Act 1995 ("TORA")****CHAPTER 5 – ROAD USE****Part 2 – Official traffic signs**

Entity power given to	Section of TORA	Description
Local Government	69(1)	Power to install an official traffic sign in its local government area: (a) on a road that is not a declared road; or (b) on a declared road, with the chief executive's written agreement; or (c) on an off-street regulated parking area.
Local Government	69(2)	Under section 69(1), power to install an official traffic sign that: (a) defines a traffic area; and (b) indicates that parking on declared roads within the traffic is regulated.
Local Government	69(3)	Power to remove an official traffic sign installed by the local government.
Local Government	69(4) <sup>1</sup>	In the specified circumstances, the power to install or remove an official traffic sign that will result in a change to the management of a local government road.
Chief Executive Officer	71(1)	Power to: (a) be satisfied in the circumstances of the case that a danger, hindrance or obstruction to traffic or other emergency exists or is likely to exist, or the use of a road or any part thereof or an off-street regulated parking area or any part thereof is prevented, hindered or obstructed, or likely to be prevented, hindered or obstructed; and if so satisfied (b) install any official traffic sign which, in your opinion, may be necessary, required or desirable for the purpose of regulating, guiding or warning traffic.
Chief Executive Officer	71(2)	Power to be satisfied that the danger, hindrance or obstruction to traffic or other emergency exists or is likely to exist or the use of the road or the part thereof or the off-street regulated parking area or the part thereof is prevented, hindered or obstructed or likely to be prevented, hindered or obstructed.
Local Government	74(2)	Power to take proceedings for the imposition and enforcement of a penalty under subsection (1) for a contravention relating to an official traffic sign installed by the local government.
Local Government	75(1)	In the specified circumstances, the power to remove an official traffic sign or other thing in the nature or similar to or which is likely to be mistaken for an official traffic sign.
Local Government	76(1)	If an official traffic sign installed by the local government is injured, the power to sue for damages, or recover in a summary way under the <i>Justices Act 1886</i> .

<sup>1</sup> Only if the Chief Executive has approved the proposed change under the *Transport Planning and Coordination Act 1994*, section 8D.

**Part 5 –**

**Traffic diversions and removal of things from roads**

Entity power given to	Section of TORA	Description
Chief Executive Officer	100(1)	<p>Power to consider on reasonable grounds that a vehicle, tram or animal in Council's area has been abandoned on a road, other than a busway, by the person who last drove or used it, or that:</p> <ul style="list-style-type: none"> <li>(a) a vehicle, tram or animal in Council's area has been: <ul style="list-style-type: none"> <li>(i) left on a road unattended whether temporarily or otherwise for a time or in a place, condition, way or circumstances where its presence is hazardous; or</li> <li>(ii) found on a road in a place, condition, way or circumstances where its presence is hazardous or in contravention of the TORA; and</li> </ul> </li> <li>(b) the driver of the vehicle, tram or animal: <ul style="list-style-type: none"> <li>(i) can not readily be located; or</li> <li>(ii) has failed to immediately remove the vehicle, tram or animal when required to do so.</li> </ul> </li> </ul>
Local Government	100(1)(b)(ii)	In the specified circumstances, the power to require a person to immediately remove a vehicle, animal or tram.
Local Government	100(3)	In the specified circumstances, the power to remove a vehicle, tram or animal from a road and detain it at a place for safe keeping.
Chief Executive Officer	100(4)	In the specified circumstances, the power to cause notice in writing to be given to the owner of a vehicle, tram or animal, if the owner can be ascertained, of the removal and of the place at which the vehicle, tram or animal is then detained.
Chief Executive Officer	100(6)(a)	In the specified circumstances, the power to advertise that the local government will offer the vehicle, tram or animal for sale by public auction.
Chief Executive Officer	100(6)(b)	In the specified circumstances, the power to offer a vehicle, tram or animal for sale by public auction.
Chief Executive Officer	100(6)(c)	In the specified circumstances, the power to dispose of a vehicle, tram or animal in such manner and on such terms as the Chief Executive Officer determines.
Local Government	100(8)	Power to deal with any goods, equipment or thing contained in, on or about a vehicle, tram or animal at the time of its removal in the same manner as the vehicle, tram or animal may be dealt with under section 100 of the TORA.
Chief Executive Officer	100(9)	Power to direct how any perishable goods in or on a vehicle, tram or animal at the time of its removal may be disposed of.
Chief Executive Officer	100(10)(b)	<p>Power to be satisfied:</p> <ul style="list-style-type: none"> <li>(a) of an applicant's ownership or of the applicant's right to possession of a vehicle, tram or animal;</li> <li>(b) if an applicant is a person acting on behalf of an owner - of the applicant's authority to act on behalf of the owner.</li> </ul>

**Part 6 – Regulated parking**

Entity power given to	Section of TORA	Description
Local Government	101(1)	Power to regulate parking in the local government area: (a) on a road, other than a declared road; or (b) on a declared road, with the chief executive's written agreement; or (c) on an off-street regulated parking area.
Local Government	102(1) <sup>2</sup>	Power to regulate parking by installing official traffic signs indicating how parking is regulated.

**CHAPTER 6 – MISCELLANEOUS****Part 2 – Other provisions**

Entity power given to	Section of TORA	Description
Chief Executive Officer	166A(3)	Power to approve certain persons as toll officers for a local government tollway.
Chief Executive Officer	166A(3)(B)	Power to consider that an employee of the contractor, has the necessary expertise or experience to be a toll officer.

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<sup>2</sup>

Only if:

- (a) the boundaries of the traffic area have been defined under a local law; or
- (b) the sign is installed on the road at every road entry to the traffic area.

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

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

[2018 12 03 - TORA - Delegation Instrument]

### **Conditions imposed on all Delegations**

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

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

# DELEGABLE POWERS UNDER THE TRANSPORT OPERATIONS (ROAD USE MANAGEMENT) ACT 1995 ("TORA")

## CHAPTER 5 – ROAD USE

### Part 2 – Official traffic signs

Entity power given to	Section of TORA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	69(1)	Power to install an official traffic sign in its local government area: (a) on a road that is not a declared road; or (b) on a declared road, with the chief executive's written agreement; or (c) on an off-street regulated parking area.	23 February 2021			
Local Government	69(2)	Under section 69(1), power to install an official traffic sign that: (a) defines a traffic area; and (b) indicates that parking on declared roads within the traffic is regulated.	23 February 2021			
Local Government	69(3)	Power to remove an official traffic sign installed by the local government.	23 February 2021			
Local Government	69(4) <sup>3</sup>	In the specified circumstances, the power to install or remove an official traffic sign that will result in a change to the management of a local government road.	23 February 2021			

<sup>3</sup> Only if the Chief Executive has approved the proposed change under the *Transport Planning and Coordination Act 1994*, section 8D.

Chief Executive Officer	71(1)	<p>Power to:</p> <p>(a) be satisfied in the circumstances of the case that a danger, hindrance or obstruction to traffic or other emergency exists or is likely to exist, or the use of a road or any part thereof or an off-street regulated parking area or any part thereof is prevented, hindered or obstructed, or likely to be prevented, hindered or obstructed; and if so satisfied</p> <p>(b) install any official traffic sign which, in your opinion, may be necessary, required or desirable for the purpose of regulating, guiding or warning traffic.</p>	The power is given directly to the CEO under the legislation and, therefore, does not need to be delegated by Council.			
Chief Executive Officer	71(2)	Power to be satisfied that the danger, hindrance or obstruction to traffic or other emergency exists or is likely to exist or the use of the road or the part thereof or the off-street regulated parking area or the part thereof is prevented, hindered or obstructed or likely to be prevented, hindered or obstructed.	The power is given directly to the CEO under the legislation and, therefore, does not need to be delegated by Council.			
Local Government	74(2)	Power to take proceedings for the imposition and enforcement of a penalty under subsection (1) for a contravention relating to an official traffic sign installed by the local government.	23 February 2021			
Local Government	75(1)	In the specified circumstances, the power to remove an official traffic sign or other thing in the nature or similar to or which is likely to be mistaken for an official traffic sign.	23 February 2021			
Local Government	76(1)	If an official traffic sign installed by the local government is injured, the power to sue for	23 February 2021			

		damages, or recover in a summary way under the <i>Justices Act 1886</i> .				
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**Part 5 – Traffic diversions and removal of things from roads**

Entity power given to	Section of TORA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Chief Executive Officer	100(1)	<p>Power to consider on reasonable grounds that a vehicle, tram or animal in Council's area has been abandoned on a road, other than a busway, by the person who last drove or used it, or that:</p> <p>(a) a vehicle, tram or animal in Council's area has been:</p> <p>(i) left on a road unattended whether temporarily or otherwise for a time or in a place, condition, way or circumstances where its presence is hazardous; or</p> <p>(ii) found on a road in a place, condition, way or circumstances where its presence is hazardous or in contravention of the TORA; and</p> <p>(b) the driver of the vehicle, tram or animal:</p> <p>(i) can not readily be located; or</p> <p>(ii) has failed to immediately remove the vehicle, tram or animal when required to do so.</p>	The power is given directly to the CEO under the legislation and, therefore, does not need to be delegated by Council.			

Local Government	100(1)(b)(ii)	In the specified circumstances, the power to require a person to immediately remove a vehicle, animal or tram.	23 February 2021			
Local Government	100(3)	In the specified circumstances, the power to remove a vehicle, tram or animal from a road and detain it at a place for safe keeping.	23 February 2021			
Chief Executive Officer	100(4)	In the specified circumstances, the power to cause notice in writing to be given to the owner of a vehicle, tram or animal, if the owner can be ascertained, of the removal and of the place at which the vehicle, tram or animal is then detained.	The power is given directly to the CEO under the legislation and, therefore, does not need to be delegated by Council.			
Chief Executive Officer	100(6)(a)	In the specified circumstances, the power to advertise that the local government will offer the vehicle, tram or animal for sale by public auction.	The power is given directly to the CEO under the legislation and, therefore, does not need to be delegated by Council.			
Chief Executive Officer	100(6)(b)	In the specified circumstances, the power to offer a vehicle, tram or animal for sale by public auction.	The power is given directly to the CEO under the legislation and, therefore, does not need to be delegated by Council.			
Chief Executive Officer	100(6)(c)	In the specified circumstances, the power to dispose of a vehicle, tram or animal in such manner and on such terms as the Chief Executive Officer determines.	The power is given directly to the CEO under the legislation and, therefore, does not need to be			

			delegated by Council.			
Local Government	100(8)	Power to deal with any goods, equipment or thing contained in, on or about a vehicle, tram or animal at the time of its removal in the same manner as the vehicle, tram or animal may be dealt with under section 100 of the TORA.	23 February 2021			
Chief Executive Officer	100(9)	Power to direct how any perishable goods in or on a vehicle, tram or animal at the time of its removal may be disposed of.	The power is given directly to the CEO under the legislation and, therefore, does not need to be delegated by Council.			
Chief Executive Officer	100(10)(b)	Power to be satisfied: (a) of an applicant's ownership or of the applicant's right to possession of a vehicle, tram or animal; (b) if an applicant is a person acting on behalf of an owner - of the applicant's authority to act on behalf of the owner.	The power is given directly to the CEO under the legislation and, therefore, does not need to be delegated by Council.			

## Part 6 – Regulated parking

Entity power given to	Section of TORA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	101(1)	Power to regulate parking in the local government area: (a) on a road, other than a declared road; or (b) on a declared road, with the chief executive's written agreement; or	23 February 2021			

		(c) on an off-street regulated parking area.				
Local Government	102(1) <sup>4</sup>	Power to regulate parking by installing official traffic signs indicating how parking is regulated.	23 February 2021			

## CHAPTER 6 – MISCELLANEOUS

### Part 2 – Other provisions

Entity power given to	Section of TORA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Chief Executive Officer	166A(3)	Power to approve certain persons as toll officers for a local government tollway.	This power is given directly to the CEO under the legislation and therefore, does not need to be delegated by Council.			
Chief Executive Officer	166A(3)(B)	Power to consider that an employee of the contractor, has the necessary expertise or experience to be a toll officer.	This power is given directly to the CEO under the legislation and therefore, does not need to be delegated by Council.			

[2018 12 03 - TORA - Delegation Table]

<sup>4</sup> Only if:  
(a) the boundaries of the traffic area have been defined under a local law; or  
(b) the sign is installed on the road at every road entry to the traffic area.

## INSTRUMENT OF SUB-DELEGATION

**Torres Strait Island Regional Council**  
***Transport Operations (Road Use Management) Act 1995 ("TORA")***

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

### *Transport Operations (Road Use Management) Act 1995 ("TORA")*

#### CHAPTER 5 – ROAD USE

##### Part 2 – Official traffic signs

Entity power given to	Section of TORA	Description
Local Government	69(1)	Power to install an official traffic sign in its local government area: (a) on a road that is not a declared road; or (b) on a declared road, with the chief executive's written agreement; or (c) on an off-street regulated parking area.
Local Government	69(2)	Under section 69(1), power to install an official traffic sign that: (a) defines a traffic area; and (b) indicates that parking on declared roads within the traffic is regulated.
Local Government	69(3)	Power to remove an official traffic sign installed by the local government.
Local Government	69(4) <sup>5</sup>	In the specified circumstances, the power to install or remove an official traffic sign that will result in a change to the management of a local government road.
Chief Executive Officer	71(1)	Power to: (a) be satisfied in the circumstances of the case that a danger, hindrance or obstruction to traffic or other emergency exists or is likely to exist, or the use of a road or any part thereof or an off-street regulated parking area or any part thereof is prevented, hindered or obstructed, or likely to be prevented, hindered or obstructed; and if so satisfied (b) install any official traffic sign which, in your opinion, may be necessary, required or desirable for the purpose of regulating, guiding or warning traffic.
Chief Executive Officer	71(2)	Power to be satisfied that the danger, hindrance or obstruction to traffic or other emergency exists or is likely to exist or the use of the road or the part thereof or the off-street regulated parking area or the part thereof is prevented, hindered or obstructed or likely to be prevented, hindered or obstructed.
Local Government	74(2)	Power to take proceedings for the imposition and enforcement of a penalty under subsection (1) for a contravention relating to an official traffic sign installed by the local government.
Local Government	75(1)	In the specified circumstances, the power to remove an official traffic sign or other thing in the nature or similar to or which is likely to be mistaken for an official traffic sign.

Local Government	76(1)	If an official traffic sign installed by the local government is injured, the power to sue for damages, or recover in a summary way under the <i>Justices Act 1886</i> .
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## Part 5 – Traffic diversions and removal of things from roads

Entity power given to	Section of TORA	Description
Chief Executive Officer	100(1)	Power to consider on reasonable grounds that a vehicle, tram or animal in Council's area has been abandoned on a road, other than a busway, by the person who last drove or used it, or that: <ul style="list-style-type: none"> <li>(a) a vehicle, tram or animal in Council's area has been:               <ul style="list-style-type: none"> <li>(i) left on a road unattended whether temporarily or otherwise for a time or in a place, condition, way or circumstances where its presence is hazardous; or</li> <li>(ii) found on a road in a place, condition, way or circumstances where its presence is hazardous or in contravention of the TORA; and</li> </ul> </li> <li>(b) the driver of the vehicle, tram or animal:               <ul style="list-style-type: none"> <li>(i) can not readily be located; or</li> <li>(ii) has failed to immediately remove the vehicle, tram or animal when required to do so.</li> </ul> </li> </ul>
Local Government	100(1)(b)(ii)	In the specified circumstances, the power to require a person to immediately remove a vehicle, animal or tram.
Local Government	100(3)	In the specified circumstances, the power to remove a vehicle, tram or animal from a road and detain it at a place for safe keeping.
Chief Executive Officer	100(4)	In the specified circumstances, the power to cause notice in writing to be given to the owner of a vehicle, tram or animal, if the owner can be ascertained, of the removal and of the place at which the vehicle, tram or animal is then detained.
Chief Executive Officer	100(6)(a)	In the specified circumstances, the power to advertise that the local government will offer the vehicle, tram or animal for sale by public auction.
Chief Executive Officer	100(6)(b)	In the specified circumstances, the power to offer a vehicle, tram or animal for sale by public auction.
Chief Executive Officer	100(6)(c)	In the specified circumstances, the power to dispose of a vehicle, tram or animal in such manner and on such terms as the Chief Executive Officer determines.
Local Government	100(8)	Power to deal with any goods, equipment or thing contained in, on or about a vehicle, tram or animal at the time of its removal in the same manner as the vehicle, tram or animal may be dealt with under section 100 of the TORA.
Chief Executive Officer	100(9)	Power to direct how any perishable goods in or on a vehicle, tram or animal at the time of its removal may be disposed of.
Chief Executive Officer	100(10)(b)	Power to be satisfied: <ul style="list-style-type: none"> <li>(a) of an applicant's ownership or of the applicant's right to possession of a vehicle, tram or animal;</li> <li>(b) if an applicant is a person acting on behalf of an owner - of the applicant's authority to act on behalf of the owner.</li> </ul>

**Part 6 – Regulated parking**

Entity power given to	Section of TORA	Description
Local Government	101(1)	Power to regulate parking in the local government area: (a) on a road, other than a declared road; or (b) on a declared road, with the chief executive's written agreement; or (c) on an off-street regulated parking area.
Local Government	102(1) <sup>6</sup>	Power to regulate parking by installing official traffic signs indicating how parking is regulated.

**CHAPTER 6 – MISCELLANEOUS****Part 2 – Other provisions**

Entity power given to	Section of TORA	Description
Chief Executive Officer	166A(3)	Power to approve certain persons as toll officers for a local government tollway.
Chief Executive Officer	166A(3)(B)	Power to consider that an employee of the contractor, has the necessary expertise or experience to be a toll officer.

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<sup>6</sup>

Only if:

- (a) the boundaries of the traffic area have been defined under a local law; or
- (b) the sign is installed on the road at every road entry to the traffic area.

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

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

[2018 12 03 - TORA - Sub-Delegation Instrument]

### **Conditions imposed on all Delegations**

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

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

# **INSTRUMENT OF DELEGATION**

## **Torres Strait Island Regional Council** ***Tobacco and Other Smoking Products Act 1998 ("TOSP")***

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.

***Tobacco and Other Smoking Products Act 1998 ("TOSP")*****Part 2C – Smoke-free outdoor places****Division 4 – Prohibition on smoking at public transport waiting points and malls by local governments**

<b>Entity power given to</b>	<b>Section of TOSP</b>	<b>Description</b>
Local Government	26ZPC(2)	In the specified circumstances, power to give the Chief Executive information about the local government's administration and enforcement of the local law.

**Part 3 – Monitoring and enforcement****Division 1 – Appointment of authorised persons and other matters**

<b>Entity power given to</b>	<b>Section of TOSP</b>	<b>Description</b>
Chief Executive Officer	28(2)	Power to appoint any of the following persons as an authorised person for the local government and its area: (a) an employee of the local government; (b) if another local government consents, an employee of the other local government; or (c) another person under contract to the local government.
Chief Executive Officer	28(3)	Power to join with 1 or more other Chief Executive Officers of other local governments, to appoint an employee of one of the local governments or another person under contract to one of the local governments as an authorised person for the local governments' areas.

## **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 01 - TOSP - 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 (section 9(3) LGA 2009); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
  - 
  - a. impact on land and/or sea; and/or
  - b. involve payment of compensation regarding land; and/or
  - c. require a budget amendment.

## DELEGABLE POWERS UNDER THE TOBACCO AND OTHER SMOKING PRODUCTS ACT 1998 ("TOSP")

### Part 2C – Smoke-free outdoor places

#### Division 4 – Prohibition on smoking at public transport waiting points and malls by local governments

Entity power given to	Section of TOSP	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	26ZPC(2)	In the specified circumstances, power to give the Chief Executive information about the local government's administration and enforcement of the local law.	23 February 2021			

### Part 3 – Monitoring and enforcement

#### Division 1 – Appointment of authorised persons and other matters

Entity power given to	Section of TOSP	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Chief Executive Officer	28(2)	Power to appoint any of the following persons as an authorised person for the local government and its area: (a) an employee of the local government;	This power does not need to be delegated as it is given directly to the CEO under the Act.			

		(b) if another local government consents, an employee of the other local government; or (c) another person under contract to the local government.				
Chief Executive Officer	28(3)	Power to join with 1 or more other Chief Executive Officers of other local governments, to appoint an employee of one of the local governments or another person under contract to one of the local governments as 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.			

[2019 04 01 - TOSP - Delegation Table]

**Torres Strait Island Regional Council**  
***Tobacco and Other Smoking Products Act 1998 ("TOSP")***

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

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

## POWERS SUB-DELEGATED

### *Tobacco and Other Smoking Products Act 1998 ("TOSP")*

#### Part 2C – Smoke-free outdoor places

##### Division 4 – Prohibition on smoking at public transport waiting points and malls by local governments

Entity power given to	Section of TOSP	Description
Local Government	26ZPC(2)	In the specified circumstances, power to give the Chief Executive information about the local government's administration and enforcement of the local law.

#### Part 3 – Monitoring and enforcement

##### Division 1 – Appointment of authorised persons and other matters

Entity power given to	Section of TOSP	Description
Chief Executive Officer	28(2)	Power to appoint any of the following persons as an authorised person for the local government and its area: (a) an employee of the local government; (b) if another local government consents, an employee of the other local government; or (c) another person under contract to the local government.
Chief Executive Officer	28(3)	Power to join with 1 or more other Chief Executive Officers of other local governments, to appoint an employee of one of the local governments or another person under contract to one of the local governments as an authorised person for the local governments' areas.

## **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 01 - TOSP - 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 (section 9(3) LGA 2009); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
  - 
  - a. impact on land and/or sea; and/or
  - b. involve payment of compensation regarding land; and/or
  - c. require a budget amendment.

# **INSTRUMENT OF DELEGATION**

## **Torres Strait Island Regional Council** ***Transport Infrastructure Act 1994 ("TRIA")***

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

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

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

**Transport Infrastructure Act 1994 ("TRIA")****CHAPTER 6 – ROAD TRANSPORT INFRASTRUCTURE****Part 2 – State-controlled roads****Division 1 – Declaration of state-controlled roads**

Entity power given to	Section of TRIA	Description
Local Government	25(b)	In the specified circumstances, the power to make submissions to the Minister on a proposed declaration, or revocation of a declaration, of a State-controlled road.

**Division 2 – Motorways**

Entity power given to	Section of TRIA	Description
Local Government	27(3)(b)	In the specified circumstances, the power to make submissions to the Minister on a proposed declaration, or revocation of a declaration, of a State-controlled road as a motorway.

**Part 3 – Construction, maintenance and operation**

Entity power given to	Section of TRIA	Description
Other Persons	29(1)	Power to enter into an agreement with the Chief Executive for the carrying out of specified works.
Local Government	29(2)	Power to enter into an agreement with the Chief Executive for the carrying out of road works on the local government road.
Local Government	29(3)	Power to enter in a contract with the Chief Executive for the local government to carry out road works.
Local Government	29(4)	Power to contract with the state about the maintenance and operation of a State-controlled road, including arrangements about which powers of the local government are to be exercised by the Chief Executive and which powers are to be exerted by the local government.
Local Government	29(5)	Power to enter into a contract with the Chief Executive for the carrying out of specified works under subsection (1) even though the contract relates to works or operations outside the local government's area.
Person carrying out accommodation works <sup>1</sup>	29(6A)	Power to enter into a contract with the Chief Executive to carry out accommodation works.

<sup>1</sup> Accommodation works means 'temporary or permanent works carried out on, over or under land affected by bus way transport infrastructure, bus way transport infrastructure works, light rail transport infrastructure, light rail transport infrastructure works or road works to:

- (a) minimise the impact of those works or that infrastructure that had on the land;
- (b) restore the land to its former condition, purpose or use; or
- (c) provide safety for the persons who use the land.'

Schedule 6 – Dictionary.

Proposed Temporary Occupier	36(1)(a)	Power to give written notice to the owner or occupier of land and the persons referred to in that subsection.
Proposed Temporary Occupier	36(4)	Power to consider any submissions that are made in response to the notice given.
Proposed Temporary Occupier	36(5)	In the specified circumstances, the power to enter the land and carry out the road works specified in the notice.
Proposed Temporary Occupier	36(6)	In the specified circumstances, the power to notify the owner or occupier of the land orally.

#### **Part 4 – Relationship with local governments**

Entity power given to	Section of TRIA	Description
Local Government	41	In the specified circumstances, the power to make financial arrangements with the Chief Executive for improvements to be made to a State-controlled road.
Local Government	42(1)	In the specified circumstances, the power to apply to the Chief Executive for written approval.
Local Government	43(1)	In the specified circumstances, the power to apply to the Chief Executive for written approval where the local government intends to approve the erection, alteration or operation of an advertising sign or other advertising device that would be: <ul style="list-style-type: none"> <li>(a) visible from a motorway; and</li> <li>(b) beyond the boundaries of the motorway; and</li> <li>(c) reasonably likely to create a traffic hazard for the motorway.</li> </ul>

#### **Part 5 – Management of State – Controlled roads**

##### **Division 2 – Ancillary works and encroachments and roadside facilities**

##### ***Subdivision 2 – Special arrangements about access***

Entity power given to	Section of TRIA	Description
Local Government	55(b)	In the specified circumstances, the power to make submissions to the Chief Executive in relation to proposal to publish a gazette notice to make, amend or revoke a declaration or to make, amend or replace a policy for a limited access road.

#### **Part 8 – Local government tollways**

##### **Division 2 – Approval of tollway project**

Entity power given to	Section of TRIA	Description
Local Government	105C(1)	In the specified circumstances, the power to ask the Minister for approval for a tollway project.

## **Division 2A – Local government tollway**

### ***Subdivision 1 – Declaration***

<b>Entity power given to</b>	<b>Section of TRIA</b>	<b>Description</b>
Local Government	105G(1)	In the specified circumstances, power to ask the Minister to declare a local government tollway for the approved project.
Local Government	105GB(1)	In the specified circumstances, power to ask the Minister the items prescribed in 1(a) to (c) of section 105GB(1).

## **CHAPTER 7 - ROAD TRANSPORT INFRASTRUCTURE AND OTHER MATTERS**

### **Part 8 – General**

<b>Entity power given to</b>	<b>Section of TRIA</b>	<b>Description</b>
Local Government	253(1)	<p>In the specified circumstances, the power to make a request to the Chief Executive for permission to construct, maintain and operate a road on rail corridor land or non-rail corridor land by way of:</p> <ul style="list-style-type: none"><li>(a) a bridge or other structure over a relevant infrastructure on the land; or</li><li>(b) a bridge or other structure that allows the road to pass under the relevant infrastructure on the land; or</li><li>(c) a level crossing.</li></ul>

## **CHAPTER 9 – BUSWAYS AND BUSWAY TRANSPORT INFRASTRUCTURE**

### **Part 2— Chief Executive's functions and powers**

#### **Division 1 – Transport infrastructure interaction**

<b>Entity power given to</b>	<b>Section of TRIA</b>	<b>Description</b>
Person proposing to enter, occupy or use land under this Part	299(2)	Power to enter, occupy or use the land without the permission of, or notice to, the owner or occupier of the land to perform urgent remedial work to facilitate or maintain the operation of busway transport infrastructure.
Person proposing to enter, occupy or use land under this Part	299(3)	Power to notify the occupier orally or in writing before entering the land.
Person proposing to enter, occupy or use land under this Part	299(4)	In the specified circumstances, the power to obtain written permission in the manner prescribed, or give notice to the occupier before the entry, occupation or use of land.
Person proposing to enter, occupy or use land under this Part	299(7)	Power to consider any submissions made in response to a notice given before carrying out accommodation works.

**Part 4 – Management of busway land and busway transport infrastructure**  
**Division 1 – Transport infrastructure interaction**

Entity power given to	Section of TRIA	Description
Local Government	307(1)	In the specified circumstances, the power to make a request to the Chief Executive for permission to construct, maintain and operate a road located on busway land, consisting of: (a) a bridge or other structure allowing traffic to pass over the level at which buses use the busway land; or (b) a structure allowing traffic to pass under the level at which buses use the busway land.
Local Government	309(1)	In the specified circumstances, the power to apply to the Chief Executive for written approval where the local government intends to approve the erection, alteration or operation of an advertising sign or other advertising device that would be: (a) visible from a busway; and (b) reasonably likely to create a traffic hazard for the busway.

**CHAPTER 10 – LIGHT RAIL AND LIGHT RAIL TRANSPORT INFRASTRUCTURE**

**Part 4 – Management of light rail and light rail transport infrastructure**  
**Division 1 – Transport infrastructure interaction**

Entity power given to	Section of TRIA	Description
Local Government	358(1)	In the specified circumstances, the power to make a request to the Chief Executive for permission to construct, maintain and operate a road located on light rail land, consisting of: (a) a bridge or other structure allowing traffic to pass over the level at which light rail vehicles use the light rail land; or (b) a structure allowing traffic to pass under the level at which light rail vehicles use the light rail land.

**CHAPTER 12 – MISCELLANEOUS TRANSPORT INFRASTRUCTURE**

**Part 2 – Operational licences and approvals for licensees**  
**Division 3 – Approvals for licensees for intersecting areas**

Entity power given to	Section of TRIA	Description
Responsible Entity	420(3)	In the specified circumstances, the power to grant or refuse an application for approval by a licensee to construct, maintain, use or operate miscellaneous transport infrastructure stated in the licensee's operational licence across, over or under an intersecting area.
Responsible Entity	421	In the specified circumstances and if an application for approval has been refused, the power to give the applicant a written notice within 14 days after refusing the application stating the specified matters.

#### Division 4 – Conditions for approvals

Entity power given to	Section of TRIA	Description
Responsible Entity	423(1)	In the specified circumstances and if an approval is granted, the power to impose reasonable conditions for the approval ( <b><i>approval conditions</i></b> ).
Responsible Entity	424	In the specified circumstances and if approval conditions are imposed, the power to give the applicant for the approval written notice within 14 days after imposing the conditions stating the specified matters.

#### Division 5 – Arbitration of approval conditions

Entity power given to	Section of TRIA	Description
Responsible Entity	426(1)	In the specified circumstances, the power to join with the applicant in appointing an independent arbitrator to resolve the dispute.

## **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 - TRIA - 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 (section 9(3) LGA 2009); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
  - 
  - a. impact on land and/or sea; and/or
  - b. involve payment of compensation regarding land; and/or
  - c. require a budget amendment.

# DELEGABLE POWERS UNDER THE TRANSPORT INFRASTRUCTURE ACT 1994 ("TRIA")

## CHAPTER 6 – ROAD TRANSPORT INFRASTRUCTURE

### Part 2 – State-controlled roads

#### Division 1 – Declaration of state-controlled roads

Entity power given to	Section of TRIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	25(b)	In the specified circumstances, the power to make submissions to the Minister on a proposed declaration, or revocation of a declaration, of a State-controlled road.	23 February 2021			

#### Division 2 – Motorways

Entity power given to	Section of TRIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	27(3)(b)	In the specified circumstances, the power to make submissions to the Minister on a proposed declaration, or revocation of a declaration, of a State-controlled road as a motorway.	23 February 2021			

**Part 3 – Construction, maintenance and operation**

Entity power given to	Section of TRIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Other Persons	29(1)	Power to enter into an agreement with the Chief Executive for the carrying out of specified works.	23 February 2021			
Local Government	29(2)	Power to enter into an agreement with the Chief Executive for the carrying out of road works on the local government road.	23 February 2021			
Local Government	29(3)	Power to enter in a contract with the Chief Executive for the local government to carry out road works.	23 February 2021			
Local Government	29(4)	Power to contract with the state about the maintenance and operation of a State-controlled road, including arrangements about which powers of the local government are to be exercised by the Chief Executive and which powers are to be exerted by the local government.	23 February 2021			
Local Government	29(5)	Power to enter into a contract with the Chief Executive for the carrying out of specified works under subsection (1) even though the contract relates to works or operations outside the local government's area.	23 February 2021			
Person carrying out	29(6A)	Power to enter into a contract with the Chief Executive to carry out accommodation works.	23 February 2021			

accommodati on works <sup>2</sup>						
Proposed Temporary Occupier	36(1)(a)	Power to give written notice to the owner or occupier of land and the persons referred to in that subsection.	23 February 2021			
Proposed Temporary Occupier	36(4)	Power to consider any submissions that are made in response to the notice given.	23 February 2021			
Proposed Temporary Occupier	36(5)	In the specified circumstances, the power to enter the land and carry out the road works specified in the notice.	23 February 2021			
Proposed Temporary Occupier	36(6)	In the specified circumstances, the power to notify the owner or occupier of the land orally.	23 February 2021			

#### Part 4 – Relationship with local governments

Entity power given to	Section of TRIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	41	In the specified circumstances, the power to make financial arrangements with the Chief Executive for improvements to be made to a State-controlled road.	23 February 2021			
Local Government	42(1)	In the specified circumstances, the power to apply to the Chief Executive for written approval.	23 February 2021			

<sup>2</sup> Accommodation works means 'temporary or permanent works carried out on, over or under land affected by bus way transport infrastructure, bus way transport infrastructure works, light rail transport infrastructure, light rail transport infrastructure works or road works to:

- (a) minimise the impact of those works or that infrastructure that had on the land;
- (b) restore the land to its former condition, purpose or use; or
- (c) provide safety for the persons who use the land.'

Schedule 6 – Dictionary.

Local Government	43(1)	<p>In the specified circumstances, the power to apply to the Chief Executive for written approval where the local government intends to approve the erection, alteration or operation of an advertising sign or other advertising device that would be:</p> <ul style="list-style-type: none"> <li>(a) visible from a motorway; and</li> <li>(b) beyond the boundaries of the motorway; and</li> <li>(c) reasonably likely to create a traffic hazard for the motorway.</li> </ul>				
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**Part 5 – Management of State – Controlled roads**

**Division 2 – Ancillary works and encroachments and roadside facilities**

***Subdivision 2 – Special arrangements about access***

Entity power given to	Section of TRIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	55(b)	In the specified circumstances, the power to make submissions to the Chief Executive in relation to proposal to publish a gazette notice to make, amend or revoke a declaration or to make, amend or replace a policy for a limited access road.	23 February 2021			

**Part 8 – Local government tollways**

**Division 2 – Approval of tollway project**

Entity power given to	Section of TRIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	105C(1)	In the specified circumstances, the power to ask the Minister for approval for a tollway project.	23 February 2021			

**Division 2A – Local government tollway**

**Subdivision 1 – Declaration**

Entity power given to	Section of TRIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	105G(1)	In the specified circumstances, power to ask the Minister to declare a local government tollway for the approved project.	23 February 2021			
Local Government	105GB(1)	In the specified circumstances, power to ask the Minister the items prescribed in 1(a) to (c) of section 105GB(1).	23 February 2021			

**CHAPTER 7 - ROAD TRANSPORT INFRASTRUCTURE AND OTHER MATTERS**

**Part 8 – General**

Entity power given to	Section of TRIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	253(1)	In the specified circumstances, the power to make a request to the Chief Executive for permission to construct, maintain and	N/A			

		<p>operate a road on rail corridor land or non-rail corridor land by way of:</p> <p>(a) a bridge or other structure over a relevant infrastructure on the land; or</p> <p>(b) a bridge or other structure that allows the road to pass under the relevant infrastructure on the land; or</p> <p>(c) a level crossing.</p>				
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## CHAPTER 9 – BUSWAYS AND BUSWAY TRANSPORT INFRASTRUCTURE

### Part 2— Chief Executive's functions and powers

#### Division 1 – Transport infrastructure interaction

Entity power given to	Section of TRIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person proposing to enter, occupy or use land under this Part	299(2)	Power to enter, occupy or use the land without the permission of, or notice to, the owner or occupier of the land to perform urgent remedial work to facilitate or maintain the operation of busway transport infrastructure.	23 February 2021			
Person proposing to enter, occupy or use land under this Part	299(3)	Power to notify the occupier orally or in writing before entering the land.	23 February 2021			
Person proposing to enter, occupy or use land	299(4)	In the specified circumstances, the power to obtain written permission in the manner prescribed, or give notice to the occupier before the entry, occupation or use of land.	23 February 2021			

under this Part						
Person proposing to enter, occupy or use land under this Part	299(7)	Power to consider any submissions made in response to a notice given before carrying out accommodation works.	23 February 2021			

**Part 4 – Management of busway land and busway transport infrastructure**

**Division 1 – Transport infrastructure interaction**

Entity power given to	Section of TRIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	307(1)	In the specified circumstances, the power to make a request to the Chief Executive for permission to construct, maintain and operate a road located on busway land, consisting of: (a) a bridge or other structure allowing traffic to pass over the level at which buses use the busway land; or (b) a structure allowing traffic to pass under the level at which buses use the busway land.	N/A			
Local Government	309(1)	In the specified circumstances, the power to apply to the Chief Executive for written approval where the local government intends to approve the erection, alteration or operation of an advertising sign or other advertising device that would be: (a) visible from a busway; and	N/A			

		(b) reasonably likely to create a traffic hazard for the busway.				
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## CHAPTER 10 – LIGHT RAIL AND LIGHT RAIL TRANSPORT INFRASTRUCTURE

### Part 4 – Management of light rail and light rail transport infrastructure

#### Division 1 – Transport infrastructure interaction

Entity power given to	Section of TRIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	358(1)	<p>In the specified circumstances, the power to make a request to the Chief Executive for permission to construct, maintain and operate a road located on light rail land, consisting of:</p> <p>(a) a bridge or other structure allowing traffic to pass over the level at which light rail vehicles use the light rail land; or</p> <p>(b) a structure allowing traffic to pass under the level at which light rail vehicles use the light rail land.</p>	N/A			

## CHAPTER 12 – MISCELLANEOUS TRANSPORT INFRASTRUCTURE

### Part 2 – Operational licences and approvals for licensees

#### Division 3 – Approvals for licensees for intersecting areas

Entity power given to	Section of TRIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Responsible Entity	420(3)	In the specified circumstances, the power to grant or refuse an application for approval by a licensee to construct, maintain, use or operate miscellaneous transport infrastructure stated in the licensee's operational licence across, over or under an intersecting area.	23 February 2021			
Responsible Entity	421	In the specified circumstances and if an application for approval has been refused, the power to give the applicant a written notice within 14 days after refusing the application stating the specified matters.	23 February 2021			

#### Division 4 – Conditions for approvals

Entity power given to	Section of TRIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Responsible Entity	423(1)	In the specified circumstances and if an approval is granted, the power to impose reasonable conditions for the approval ( <b>approval conditions</b> ).	23 February 2021			
Responsible Entity	424	In the specified circumstances and if approval conditions are imposed, the power to give the applicant for the approval written	23 February 2021			

		notice within 14 days after imposing the conditions stating the specified matters.				
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#### Division 5 – Arbitration of approval conditions

Entity power given to	Section of TRIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Responsible Entity	426(1)	In the specified circumstances, the power to join with the applicant in appointing an independent arbitrator to resolve the dispute.	23 February 2021			

[2019 04 11 - TRIA - Delegation Table]

## INSTRUMENT OF SUB-DELEGATION

**Torres Strait Island Regional Council**  
*Transport Infrastructure Act 1994 ("TRIA")*

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

### *Transport Infrastructure Act 1994 ("TRIA")*

#### CHAPTER 6 – ROAD TRANSPORT INFRASTRUCTURE

##### Part 2 – State-controlled roads

##### Division 1 – Declaration of state-controlled roads

Entity power given to	Section of TRIA	Description
Local Government	25(b)	In the specified circumstances, the power to make submissions to the Minister on a proposed declaration, or revocation of a declaration, of a State-controlled road.

##### Division 2 – Motorways

Entity power given to	Section of TRIA	Description
Local Government	27(3)(b)	In the specified circumstances, the power to make submissions to the Minister on a proposed declaration, or revocation of a declaration, of a State-controlled road as a motorway.

##### Part 3 – Construction, maintenance and operation

Entity power given to	Section of TRIA	Description
Other Persons	29(1)	Power to enter into an agreement with the Chief Executive for the carrying out of specified works.
Local Government	29(2)	Power to enter into an agreement with the Chief Executive for the carrying out of road works on the local government road.
Local Government	29(3)	Power to enter in a contract with the Chief Executive for the local government to carry out road works.
Local Government	29(4)	Power to contract with the state about the maintenance and operation of a State-controlled road, including arrangements about which powers of the local government are to be exercised by the Chief Executive and which powers are to be exerted by the local government.
Local Government	29(5)	Power to enter into a contract with the Chief Executive for the carrying out of specified works under subsection (1) even though the contract relates to works or operations outside the local government's area.

Person carrying out accommodation works <sup>3</sup>	29(6A)	Power to enter into a contract with the Chief Executive to carry out accommodation works.
Proposed Temporary Occupier	36(1)(a)	Power to give written notice to the owner or occupier of land and the persons referred to in that subsection.
Proposed Temporary Occupier	36(4)	Power to consider any submissions that are made in response to the notice given.
Proposed Temporary Occupier	36(5)	In the specified circumstances, the power to enter the land and carry out the road works specified in the notice.
Proposed Temporary Occupier	36(6)	In the specified circumstances, the power to notify the owner or occupier of the land orally.

#### **Part 4 – Relationship with local governments**

<b>Entity power given to</b>	<b>Section of TRIA</b>	<b>Description</b>
Local Government	41	In the specified circumstances, the power to make financial arrangements with the Chief Executive for improvements to be made to a State-controlled road.
Local Government	42(1)	In the specified circumstances, the power to apply to the Chief Executive for written approval.
Local Government	43(1)	In the specified circumstances, the power to apply to the Chief Executive for written approval where the local government intends to approve the erection, alteration or operation of an advertising sign or other advertising device that would be: <ul style="list-style-type: none"> <li>(a) visible from a motorway; and</li> <li>(b) beyond the boundaries of the motorway; and</li> <li>(c) reasonably likely to create a traffic hazard for the motorway.</li> </ul>

#### **Part 5 – Management of State – Controlled roads**

##### **Division 2 – Ancillary works and encroachments and roadside facilities**

##### ***Subdivision 2 – Special arrangements about access***

<b>Entity power given to</b>	<b>Section of TRIA</b>	<b>Description</b>
Local Government	55(b)	In the specified circumstances, the power to make submissions to the Chief Executive in relation to proposal to publish a gazette notice to make, amend or revoke a declaration or to make, amend or replace a policy for a limited access road.

<sup>3</sup>

Accommodation works means 'temporary or permanent works carried out on, over or under land affected by bus way transport infrastructure, bus way transport infrastructure works, light rail transport infrastructure, light rail transport infrastructure works or road works to:

- (a) minimise the impact of those works or that infrastructure that had on the land;
- (b) restore the land to its former condition, purpose or use; or
- (c) provide safety for the persons who use the land.'

Schedule 6 – Dictionary.

**Part 8 – Local government tollways**

**Division 2 – Approval of tollway project**

Entity power given to	Section of TRIA	Description
Local Government	105C(1)	In the specified circumstances, the power to ask the Minister for approval for a tollway project.

**Division 2A – Local government tollway**

**Subdivision 1 – Declaration**

Entity power given to	Section of TRIA	Description
Local Government	105G(1)	In the specified circumstances, power to ask the Minister to declare a local government tollway for the approved project.
Local Government	105GB(1)	In the specified circumstances, power to ask the Minister the items prescribed in 1(a) to (c) of section 105GB(1).

**CHAPTER 7 - ROAD TRANSPORT INFRASTRUCTURE AND OTHER MATTERS**

**Part 8 – General**

Entity power given to	Section of TRIA	Description
Local Government	253(1)	In the specified circumstances, the power to make a request to the Chief Executive for permission to construct, maintain and operate a road on rail corridor land or non-rail corridor land by way of: (a) a bridge or other structure over a relevant infrastructure on the land; or (b) a bridge or other structure that allows the road to pass under the relevant infrastructure on the land; or (c) a level crossing.

**CHAPTER 9 – BUSWAYS AND BUSWAY TRANSPORT INFRASTRUCTURE**

**Part 2— Chief Executive's functions and powers**

**Division 1 – Transport infrastructure interaction**

Entity power given to	Section of TRIA	Description
Person proposing to enter, occupy or use land under this Part	299(2)	Power to enter, occupy or use the land without the permission of, or notice to, the owner or occupier of the land to perform urgent remedial work to facilitate or maintain the operation of busway transport infrastructure.
Person proposing to enter, occupy or use land under this Part	299(3)	Power to notify the occupier orally or in writing before entering the land.
Person proposing to enter, occupy or use land under this Part	299(4)	In the specified circumstances, the power to obtain written permission in the manner prescribed, or give notice to the occupier before the entry, occupation or use of land.

Person proposing to enter, occupy or use land under this Part	299(7)	Power to consider any submissions made in response to a notice given before carrying out accommodation works.
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**Part 4 – Management of busway land and busway transport infrastructure**  
**Division 1 – Transport infrastructure interaction**

Entity power given to	Section of TRIA	Description
Local Government	307(1)	In the specified circumstances, the power to make a request to the Chief Executive for permission to construct, maintain and operate a road located on busway land, consisting of: (a) a bridge or other structure allowing traffic to pass over the level at which buses use the busway land; or (b) a structure allowing traffic to pass under the level at which buses use the busway land.
Local Government	309(1)	In the specified circumstances, the power to apply to the Chief Executive for written approval where the local government intends to approve the erection, alteration or operation of an advertising sign or other advertising device that would be: (a) visible from a busway; and (b) reasonably likely to create a traffic hazard for the busway.

**CHAPTER 10 – LIGHT RAIL AND LIGHT RAIL TRANSPORT INFRASTRUCTURE**

**Part 4 – Management of light rail and light rail transport infrastructure**  
**Division 1 – Transport infrastructure interaction**

Entity power given to	Section of TRIA	Description
Local Government	358(1)	In the specified circumstances, the power to make a request to the Chief Executive for permission to construct, maintain and operate a road located on light rail land, consisting of: (a) a bridge or other structure allowing traffic to pass over the level at which light rail vehicles use the light rail land; or (b) a structure allowing traffic to pass under the level at which light rail vehicles use the light rail land.

**CHAPTER 12 – MISCELLANEOUS TRANSPORT INFRASTRUCTURE**

**Part 2 – Operational licences and approvals for licensees**  
**Division 3 – Approvals for licensees for intersecting areas**

Entity power given to	Section of TRIA	Description
Responsible Entity	420(3)	In the specified circumstances, the power to grant or refuse an application for approval by a licensee to construct, maintain, use or operate miscellaneous transport infrastructure stated in the licensee's operational licence across, over or under an intersecting area.

Responsible Entity	421	In the specified circumstances and if an application for approval has been refused, the power to give the applicant a written notice within 14 days after refusing the application stating the specified matters.
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#### Division 4 – Conditions for approvals

Entity power given to	Section of TRIA	Description
Responsible Entity	423(1)	In the specified circumstances and if an approval is granted, the power to impose reasonable conditions for the approval ( <b><i>approval conditions</i></b> ).
Responsible Entity	424	In the specified circumstances and if approval conditions are imposed, the power to give the applicant for the approval written notice within 14 days after imposing the conditions stating the specified matters.

#### Division 5 – Arbitration of approval conditions

Entity power given to	Section of TRIA	Description
Responsible Entity	426(1)	In the specified circumstances, the power to join with the applicant in appointing an independent arbitrator to resolve the dispute.

## **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 - TRIA - 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 (section 9(3) LGA 2009); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
  - 
  - a. impact on land and/or sea; and/or
  - b. involve payment of compensation regarding land; and/or
  - c. require a budget amendment.

# **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***

<b>Entity power given to</b>	<b>Section of WATA</b>	<b>Description</b>
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**

<b>Entity power given to</b>	<b>Section of WATA</b>	<b>Description</b>
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**

<b>Entity power given to</b>	<b>Section of WATA</b>	<b>Description</b>
Entity	61(2)(c)	Power to make submissions about draft plan.

**Division 6 – Water entitlement notice**

<b>Entity power given to</b>	<b>Section of WATA</b>	<b>Description</b>
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

Entity power given to	Section of WATA	Description
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
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***

Entity power given to	Section of WATA	Description
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.	18 March 2021			

### 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.	18 March 2021			
Entity	54(2)(c)	Power to make submission about intended postponement.	18 March 2021			

#### 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.	18 March 2021			

#### 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.	18 March 2021			
Proposed Water Allocation Holder	73(1)(a)	In certain circumstances, power to give notice to the Chief Executive.	18 March 2021			
Existing Interest Holder	73(1)(b)	Power to give notice.	18 March 2021			
Interest Holder	73(1)(c)	In certain circumstances, power to give notice.	18 March 2021			
Proposed Water Allocation Holder	73(1)(c)	Power to give consent.	18 March 2021			

**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.	18 March 2021			
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.	18 March 2021			

***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.	18 March 2021			
Person	102(1)	In certain circumstances, power to take or interfere with water.	18 March 2021			
Person	102(3)	In certain circumstances, power to take or interfere with water.	18 March 2021			

## 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.	18 March 2021			
Entity specified in section 108(1)(a)-(c)	108(1)	Power to apply for a transmission water licence.	18 March 2021			
Applicant	112(3)	Power to: (a) publish information in a specified way; and (b) publish a notice.	18 March 2021			
Applicant	112(6)	Power to give the Chief Executive evidence of the publication.	18 March 2021			

### *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.	18 March 2021			
Applicant	123(2)	Power to give notice of the application to certain entities.	18 March 2021			
Applicant	123(5)	Power to give the Chief Executive a copy of the notice.	18 March 2021			
Owner of Land	126(2)	Power to apply to relocate the water licence or part of the water licence.	18 March 2021			

Entity	134(4)	Power to make a submission about the proposed amendment of a water licence.	18 March 2021			
Licensee	136(1)	Power to surrender a water licence.	18 March 2021			

### 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.	18 March 2021			
Applicant	137A(1)(a)	Power to give additional information to the Chief Executive upon request, within the reasonable period stated in the requirement.	18 March 2021			
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).	18 March 2021			

### 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.	18 March 2021			
Allocation Holder/ Resource	147(4)	Power to enter into a supply contract for the allocation.	18 March 2021			

Operations Licence Holder						
Licence Holder	149	Power to require allocation holder to give reasonable security for supplying and storing the allocation.	18 March 2021			
Licence Holder	154(2)	Power to agree the obligation has been satisfied.	18 March 2021			
Licence Holder	154(3)	Power to give the Chief Executive notice in the approved form.	18 March 2021			
Allocation Holder	155(2)	Power to give the transferee or lessee under the contract a disclosure statement and an acknowledgement notice.	18 March 2021			
Holder of Distribution Operations Licence	155(3)(b)	Power to prepare specified document and give the document to the allocation holder.	18 March 2021			
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.	18 March 2021			
Transferee or Lessee	155(5)	Power to terminate the contract.	18 March 2021			

***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.	18 March 2021			

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.	18 March 2021			
Water Allocation Holder	161(1)	Power to lodge a Certificate with the Registrar.	18 March 2021			
Water Allocation Holder	162(1)	Power to agree to surrender a water allocation.	18 March 2021			
Holder of the Licence	162(2)	Power to consent to the surrender.	18 March 2021			
Holder of a Resource Operations Licence or Distribution Operations Licence	161(3)	Power to agree with the Chief Executive about fees.	18 March 2021			
Water Allocation Holder	164(3)	Power to make submissions.	18 March 2021			
Holder of a Resource Operations Licence	166(1)(b)	Power to exercise a power of sale.	18 March 2021			
Holder of a Distribution Operations Licence	166(1)(c)	Power to exercise a power of sale.	18 March 2021			
Person	166(5)	Power to give notice of the proposed exercise of the power.	18 March 2021			

***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.	18 March 2021			

**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.	18 March 2021			

***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.	18 March 2021			
Entity mentioned in	181(2)	Power to apply for a distribution operations licence for existing or proposed water infrastructure.	18 March 2021			

in section 177(2)						
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.	18 March 2021			
Holder of a Resource Operations Licence or Distribution Operations Licence	184(1)	Power to apply to amend the licence.	18 March 2021			
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.	18 March 2021			
Licence Holder	186	Power to agree to an amendment.	18 March 2021			

***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	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.	18 March 2021			

Operations 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.	18 March 2021			
Current Infrastructure Owner	188(2)(a)(i)	Power to provide written consent to an application.	18 March 2021			
Incoming Owner	188(2)(a)(ii)	Power to provide written consent to an application.	18 March 2021			
Holder of Resource Operations Licence	193(1)	Power to apply to the Chief Executive to amalgamate licences.	18 March 2021			
Holder of Distribution Operations Licence	193(2)	Power to apply to the Chief Executive to amalgamate licences.	18 March 2021			
Owner	193(4)	Power to provide written consent to the amalgamation.	18 March 2021			
Holder of a Licence	195(2)	Power to make submissions.	18 March 2021			

#### ***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.	18 March 2021			
Holder of a Licence	198(3)	Power to publish the approved operations manual on the holders website.	18 March 2021			

Holder of a Licence	199(3)	Power to apply in writing to the Chief Executive to have certain matters referred to a referral panel.	18 March 2021			
Holder of a Licence	200(1)	Power to apply to Chief Executive to amend or replace an operations manual.	18 March 2021			
Holder of a Licence	200(6)	Power to publish the statement of changes made to the manual.	18 March 2021			
Holder of a Licence	201(2)	Power to apply to the Chief Executive in writing to amend the manual.	18 March 2021			
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.	18 March 2021			

**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.	18 March 2021			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.	18 March 2021			
Relevant Entity	203G(3)	Power to be consulted by the official in preparing the report.	18 March 2021			
Relevant Entity	203G(4)	Power to give to the official information the official reasonably requires for preparing the report required under section 203G(2)	18 March 2021			

## 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.	18 March 2021			

### *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.	18 March 2021			
Licensee	212(3)	Power to make submissions.	18 March 2021			
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.	18 March 2021			
Licensee	215(1)	Power to apply to transfer the operations licence.	18 March 2021			
Licensee	216(1)	Power to surrender an operations licence by giving the Chief Executive a notice of surrender.	18 March 2021			

**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.	18 March 2021			
Registered Owner	218(3)	Power to provide written consent to an application.	18 March 2021			

**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.	18 March 2021			

**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.	18 March 2021			

**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.	18 March 2021			
Allocation Notice Holder	236(1)	Power to apply to renew the allocation notice before it expires.	18 March 2021			
Holder	238(1)	Power to make submission.	18 March 2021			
Allocation Notice Holder	239(1)	Power to surrender the allocation notice by giving the Chief Executive notice of its surrender.	18 March 2021			

**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.	18 March 2021			
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.	18 March 2021			

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.	18 March 2021			
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.	18 March 2021			
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> ).	18 March 2021			
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.	18 March 2021			

### ***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.	18 March 2021			
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.	18 March 2021			
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.	18 March 2021			
Party	433E(2)	In the specified circumstances, the power to agree with the other party in relation to liability for arbitration fees and expenses.	18 March 2021			

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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.	18 March 2021			

**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.	18 March 2021			

**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.	18 March 2021			

**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.	18 March 2021			
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.	18 March 2021			

**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.	18 March 2021			

## 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.	18 March 2021			
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.	18 March 2021			

### 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.	18 March 2021			

[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***

<b>Entity power given to</b>	<b>Section of WATA</b>	<b>Description</b>
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***

<b>Entity power given to</b>	<b>Section of WATA</b>	<b>Description</b>
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***

<b>Entity power given to</b>	<b>Section of WATA</b>	<b>Description</b>
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***

<b>Entity power given to</b>	<b>Section of WATA</b>	<b>Description</b>
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
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
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***

Entity power given to	Section of WATA	Description
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** ***Water Regulation 2016 ("WATR")***

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 Regulation 2016 ("WATR")****Part 4 – Matters relating to water licenses****Division 3 – Transfer, amendment or amalgamation of water licenses – Act, section 126****Subdivision 2 – Process for dealing with application**

Entity power given to	Section of WATR	Description
Person	34(1)	Power to apply to the Chief Executive for a transfer, amendment or amalgamation of an original license.
Holder of original license	34(3)(b)(i)	Power to give a statutory declaration in the manner required.
An interested entity	34(3)(b)(ii)	Power to give written consent to proposed transfer, amendment or amalgamation.
Applicant	37(2)	Power to give the Chief Executive notice in the approved form (a transfer notice).

**Part 5 – Water allocation****Division 2 – Seasonal water assignments****Subdivision 1 – Seasonal water assignments for water allocations not managed under resource operations licence**

Entity power given to	Section of WATR	Description
Holder of a Water Allocation	58(1)	Power to apply to the Chief Executive for a seasonal water assignment for the water allocation for the water year, or a shorter period prescribed by a water management protocol in which the application is made.
Holder of a Seasonal Water Assignment Notice for a Water Allocation	58(2)	Power to apply to the Chief Executive for a seasonal water assignment for the seasonal water assignment notice for the water year, or a shorter period prescribed by a water management protocol in which the application is made.

**Subdivision 2 – Seasonal water assignments for water allocations managed under resource operations licence**

Holder of a Water Allocation	61(2)	In certain circumstances, power to enter into an arrangement for a seasonal water assignment in relation to the allocation.
Holder of a Resource Operations Licence	61(2)(a)	Power to consent to the arrangement for a seasonal water assignment.
Distribution Operations Licence Holder	61(2)(b)	Power to consent to the arrangement for a seasonal water assignment

**Division 3 – Water allocation dealing rules applying to the whole of the State**

***Subdivision 2 – Process for applying for and deciding particular water allocation dealings***

Entity power given to	Section of WATR	Description
Applicant for a water allocation	63	Power to apply for a water allocation in the approved form.

**Part 11 – Metering**

**Division 3 – Validation of meters**

Entity power given to	Section of WATR	Description
Relevant Person	110A	Power to give the Chief Executive a written notice stating the meter is a faulty meter and information about water taken through the works.

**Division 4 – Reading meters**

Entity power given to	Section of WATR	Description
Relevant Person	113(1)(a)	Power to give a notice to the Chief Executive of the reading of the meter.
Relevant Person	113(1)(b)	Power to give a notice to the Chief Executive of the reading of the meter and notify the Chief Executive about whether or not the meter is a faulty meter.
Holder of the metered entitlement	114(a)	Power to make an application to the Chief Executive to read a meter.
Owner of the works	114(b)	Power to give the Chief Executive notice that the owner has decided to stop using the works.

**Division 6 – Ownership**

Entity power given to	Section of WATR	Description
Holder or Owner	119(3)	Power to give written notice to the Chief Executive of refusal to accept the transfer.

## **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.

[2020 04 24 - WATR - 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 (section 9(3) LGA 2009); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
  - 
  - a. impact on land and/or sea; and/or
  - b. involve payment of compensation regarding land; and/or
  - c. require a budget amendment.

## DELEGABLE POWERS UNDER THE WATER REGULATION 2016 ("WATR")

### Part 4 – Matters relating to water licenses

#### Division 3 – Transfer, amendment or amalgamation of water licenses – Act, section 126

#### *Subdivision 2 – Process for dealing with application*

Entity power given to	Section of WATR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person	34(1)	Power to apply to the Chief Executive for a transfer, amendment or amalgamation of an original license.	23 February 2021			
Holder of original license	34(3)(b)(i)	Power to give a statutory declaration in the manner required.	23 February 2021			
An interested entity	34(3)(b)(ii)	Power to give written consent to proposed transfer, amendment or amalgamation.	23 February 2021			
Applicant	37(2)	Power to give the Chief Executive notice in the approved form (a transfer notice).	23 February 2021			

**Part 5 – Water allocation**

**Division 2 – Seasonal water assignments**

***Subdivision 1 – Seasonal water assignments for water allocations not managed under resource operations licence***

Entity power given to	Section of WATR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Holder of a Water Allocation	58(1)	Power to apply to the Chief Executive for a seasonal water assignment for the water year, or a shorter period prescribed by a water management protocol in which the application is made.	23 February 2021			
Holder of a Seasonal Water Assignment Notice for a Water Allocation	58(2)	Power to apply to the Chief Executive for a seasonal water assignment for the seasonal water assignment notice for the water year, or a shorter period prescribed by a water management protocol in which the application is made.	23 February 2021			

23 February 2021

***Subdivision 2 – Seasonal water assignments for water allocations managed under resource operations licence***

23 February 2021

Holder of a Water Allocation	61(2)	In certain circumstances, power to enter into an arrangement for a seasonal water assignment in relation to the allocation.	23 February 2021			
Holder of a Resource Operations Licence	61(2)(a)	Power to consent to the arrangement for a seasonal water assignment.	23 February 2021			
Distribution Operations	61(2)(b)	Power to consent to the arrangement for a seasonal water assignment	23 February 2021			

Licence Holder						
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**Division 3 – Water allocation dealing rules  
applying to the whole of the State**

***Subdivision 2 – Process for applying for and  
deciding particular water allocation dealings***

Entity power given to	Section of WATR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Applicant for a water allocation	63	Power to apply for a water allocation in the approved form.	23 February 2021			

**Part 11 – Metering**

**Division 3 – Validation of meters**

Entity power given to	Section of WATR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Relevant Person	110A	Power to give the Chief Executive a written notice stating the meter is a faulty meter and information about water taken through the works.	23 February 2021			

**Division 4 – Reading meters**

Entity power given to	Section of WATR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Relevant Person	113(1)(a)	Power to give a notice to the Chief Executive of the reading of the meter.	23 February 2021			
Relevant Person	113(1)(b)	Power to give a notice to the Chief Executive of the reading of the meter and notify the	23 February 2021			

		Chief Executive about whether or not the meter is a faulty meter.				
Holder of the metered entitlement	114(a)	Power to make an application to the Chief Executive to read a meter.	23 February 2021			
Owner of the works	114(b)	Power to give the Chief Executive notice that the owner has decided to stop using the works.	23 February 2021			

### Division 6 – Ownership

Entity power given to	Section of WATR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Holder or Owner	119(3)	Power to give written notice to the Chief Executive of refusal to accept the transfer.	23 February 2021			

[2020 04 24 - WATR - Delegation Table]

## INSTRUMENT OF SUB-DELEGATION

**Torres Strait Island Regional Council**  
*Water Regulation 2016 ("WATR")*

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 Regulation 2016 ("WATR")*

#### **Part 4 – Matters relating to water licenses**

##### **Division 3 – Transfer, amendment or amalgamation of water licenses – Act, section 126**

##### ***Subdivision 2 – Process for dealing with application***

<b>Entity power given to</b>	<b>Section of WATR</b>	<b>Description</b>
Person	34(1)	Power to apply to the Chief Executive for a transfer, amendment or amalgamation of an original license.
Holder of original license	34(3)(b)(i)	Power to give a statutory declaration in the manner required.
An interested entity	34(3)(b)(ii)	Power to give written consent to proposed transfer, amendment or amalgamation.
Applicant	37(2)	Power to give the Chief Executive notice in the approved form (a transfer notice).

#### **Part 5 – Water allocation**

##### **Division 2 – Seasonal water assignments**

##### ***Subdivision 1 – Seasonal water assignments for water allocations not managed under resource operations licence***

<b>Entity power given to</b>	<b>Section of WATR</b>	<b>Description</b>
Holder of a Water Allocation	58(1)	Power to apply to the Chief Executive for a seasonal water assignment for the water allocation for the water year, or a shorter period prescribed by a water management protocol in which the application is made.
Holder of a Seasonal Water Assignment Notice for a Water Allocation	58(2)	Power to apply to the Chief Executive for a seasonal water assignment for the seasonal water assignment notice for the water year, or a shorter period prescribed by a water management protocol in which the application is made.

##### ***Subdivision 2 – Seasonal water assignments for water allocations managed under resource operations licence***

Holder of a Water Allocation	61(2)	In certain circumstances, power to enter into an arrangement for a seasonal water assignment in relation to the allocation.
Holder of a Resource Operations Licence	61(2)(a)	Power to consent to the arrangement for a seasonal water assignment.
Distribution Operations Licence Holder	61(2)(b)	Power to consent to the arrangement for a seasonal water assignment

**Division 3 – Water allocation dealing rules applying to the whole of the State**

***Subdivision 2 – Process for applying for and deciding particular water allocation dealings***

Entity power given to	Section of WATR	Description
Applicant for a water allocation	63	Power to apply for a water allocation in the approved form.

**Part 11 – Metering**

**Division 3 – Validation of meters**

Entity power given to	Section of WATR	Description
Relevant Person	110A	Power to give the Chief Executive a written notice stating the meter is a faulty meter and information about water taken through the works.

**Division 4 – Reading meters**

Entity power given to	Section of WATR	Description
Relevant Person	113(1)(a)	Power to give a notice to the Chief Executive of the reading of the meter.
Relevant Person	113(1)(b)	Power to give a notice to the Chief Executive of the reading of the meter and notify the Chief Executive about whether or not the meter is a faulty meter.
Holder of the metered entitlement	114(a)	Power to make an application to the Chief Executive to read a meter.
Owner of the works	114(b)	Power to give the Chief Executive notice that the owner has decided to stop using the works.

**Division 6 – Ownership**

Entity power given to	Section of WATR	Description
Holder or Owner	119(3)	Power to give written notice to the Chief Executive of refusal to accept the transfer.

## **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.

[2020 04 24 - WATR - 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 (section 9(3) LGA 2009); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
  - 
  - a. impact on land and/or sea; and/or
  - b. involve payment of compensation regarding land; and/or
  - c. require a budget amendment.

# **INSTRUMENT OF DELEGATION**

## **Torres Strait Island Regional Council** ***Work Health and Safety Act 2011 ("WHSA")***

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.

**Work Health and Safety Act 2011 ("WHS")****Part 3 – Incident notification**

Entity power given to	Section of WHSA	Description
Person who conducts a business or undertaking	38(1)	Power to notify the regulator immediately after becoming aware that a notifiable incident arising out of the conduct of the business or undertaking has occurred.
Person who conducts a business or undertaking	38(4)(b)	Power to, if required by the regulator, give written notice of the incident within 48 hours of that requirement being made.

**Part 5 – Consultation, representation and participation****Division 3 – Health and safety representatives****Subdivision 2 – Determination of work groups**

Entity power given to	Section of WHSA	Description
Person who conducts a business or undertaking	52(1)	Power to negotiate and agree upon the work group.
Person who conducts a business or undertaking	52(4)	Power to negotiate a variation of the agreement upon a work group.
Person who conducts a business or undertaking	53(1)	Power to notify the workers of the outcome of negotiations and of any work groups determined by agreement.
Person who conducts a business or undertaking	53(2)	Power to notify the worker of the outcome of the negotiations and of the variation (if any) to the agreement.
Any person who is or would be a party to negotiations	54(1)	Power to ask the regulator to appoint an inspector for the purposes of this section.

**Subdivision 3 – Multiple-business work group**

Entity power given to	Section of WHSA	Description
Parties to an agreement	55(3)	Power to negotiate a variation of the agreement.
Any party to the negotiations	56(3)	Power to ask the regulator to appoint an inspector.
Person who conducts a	57(1)	Power to notify the workers of the outcome of the negotiations and of any work groups determined by agreement.

business or undertaking		
Person who conducts a business or undertaking	57(2)	Power to notify the workers of the outcome of the negotiations and of the variation (if any) to the agreement.
A party to a negotiation for an agreement	58(1)	Power to withdraw from the negotiation or agreement by giving notice in writing to the other parties.

***Subdivision 6 – Obligations of person conducting business or undertaking to health and safety representatives***

Entity power given to	Section of WHSA	Description
Person who conducts a business or undertaking	71(5)	Power to refuse, on reasonable grounds to grant access to the workplace to a person assisting a health and safety representative for a work group.
Person who conducts a business or undertaking	71(7)	Power to refuse to grant access to information relating to hazards at the workplace and the health and safety of the workers if the information is confidential commercial information.
Person who conducts business or undertaking	71(8)	Power to decide that financial information or other information that has a commercial value, if disclosed, will cause significant financial harm to a business or undertaking.
Person who conducts a business or undertaking	73(1)	Power to agree to apportion the costs.
Person who conducts a business or undertaking	73(2)	Power to negotiate and agree upon a variation to the apportionment of costs between persons conducting the businesses or undertakings.

**Division 4 – Health and safety committees**

Entity power given to	Section of WHSA	Description
Person who conducts a business or undertaking	76(1)	Subject to subsections (2) to (4) power to agree upon the constitution of a health and safety committee.
Person who conducts a business or undertaking	76(5)	Power to ask the regulator to appoint an inspector to decide the matter.
Person who conducts a business or undertaking	77(c)	Power to agree upon the functions of a health and safety committee.

### **Division 5 – Issue resolution**

<b>Entity power given to</b>	<b>Section of WHS Act</b>	<b>Description</b>
A party to the issue	82(2)	Power to ask the regulator to appoint an inspector to attend the workplace to assist in resolving the issue.

### **Division 6 – Right to cease or direct cessation of unsafe work**

<b>Entity power given to</b>	<b>Section of WHS Act</b>	<b>Description</b>
Person who conducts a business or undertaking	87	Power to direct a worker to carry out suitable alternative work at the same or another workplace if that work is safe and appropriate for the worker to carry out until the worker can resume normal duties.
Person who conducts a business or undertaking	89	Power to ask the regulator to appoint an inspector to attend the workplace to assist in resolving an issue arising in relation to the cessation of work.

### **Division 7A – Work health and safety disputes**

<b>Entity power given to</b>	<b>Section of WHS Act</b>	<b>Description</b>
Party to the dispute	102B(2)	Power to give the industrial registrar notice of the dispute.
A person dissatisfied with a decision made by the commission under this division.	102G	Power to appeal the decision under the Industrial Relations Act 2016.

## **Part 7 – Workplace entry by WHS entry permit holders**

### **Division 6 – Dealing with disputes**

<b>Entity power given to</b>	<b>Section of WHS Act</b>	<b>Description</b>
Party to the dispute	141	Power to ask the regulator to appoint an inspector to attend the workplace to assist in resolving the dispute.

### **Subdivision 2 – Role of commission**

<b>Entity power given to</b>	<b>Section of WHS Act</b>	<b>Description</b>
A person dissatisfied with a decision made by the commission under this division.	142A(4)	Power to appeal the decision under the Industrial Relations Act 2016.

**Part 12 –****Review of decisions****Division 2 – Internal review**

<b>Entity power given to</b>	<b>Section of WHSA</b>	<b>Description</b>
An eligible person in relation to a reviewable decision	224	Power to apply to the regulator for internal review.

**Division 3 – External review**

<b>Entity power given to</b>	<b>Section of WHSA</b>	<b>Description</b>
Eligible person	229	Power to apply to the external review body for an external review.

## **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 03 18 - WHSA - 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 (section 9(3) LGA 2009); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
  - 
  - a. impact on land and/or sea; and/or
  - b. involve payment of compensation regarding land; and/or
  - c. require a budget amendment.

## DELEGABLE POWERS UNDER THE WORK HEALTH AND SAFETY ACT 2011 ("WHS")

### Part 3 – Incident notification

Entity power given to	Section of WHSA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person who conducts a business or undertaking	38(1)	Power to notify the regulator immediately after becoming aware that a notifiable incident arising out of the conduct of the business or undertaking has occurred.	23 February 2021			
Person who conducts a business or undertaking	38(4)(b)	Power to, if required by the regulator, give written notice of the incident within 48 hours of that requirement being made.	23 February 2021			

### Part 5 – Consultation, representation and participation

#### Division 3 – Health and safety representatives

##### *Subdivision 2 – Determination of work groups*

Entity power given to	Section of WHSA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person who conducts a business or undertaking	52(1)	Power to negotiate and agree upon the work group.	23 February 2021			
Person who conducts a business or undertaking	52(4)	Power to negotiate a variation of the agreement upon a work group.	23 February 2021			

Person who conducts a business or undertaking	53(1)	Power to notify the workers of the outcome of negotiations and of any work groups determined by agreement.	23 February 2021			
Person who conducts a business or undertaking	53(2)	Power to notify the worker of the outcome of the negotiations and of the variation (if any) to the agreement.	23 February 2021			
Any person who is or would be a party to negotiations	54(1)	Power to ask the regulator to appoint an inspector for the purposes of this section.	23 February 2021			

***Subdivision 3 – Multiple-business work group***

Entity power given to	Section of WHSA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Parties to an agreement	55(3)	Power to negotiate a variation of the agreement.	23 February 2021			
Any party to the negotiations	56(3)	Power to ask the regulator to appoint an inspector.	23 February 2021			
Person who conducts a business or undertaking	57(1)	Power to notify the workers of the outcome of the negotiations and of any work groups determined by agreement.	23 February 2021			
Person who conducts a business or undertaking	57(2)	Power to notify the workers of the outcome of the negotiations and of the variation (if any) to the agreement.	23 February 2021			
A party to a negotiation	58(1)	Power to withdraw from the negotiation or agreement by giving notice in writing to the other parties.	23 February 2021			

for an agreement						
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***Subdivision 6 – Obligations of person conducting business or undertaking to health and safety representatives***

Entity power given to	Section of WHSA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person who conducts a business or undertaking	71(5)	Power to refuse, on reasonable grounds to grant access to the workplace to a person assisting a health and safety representative for a work group.	23 February 2021			
Person who conducts a business or undertaking	71(7)	Power to refuse to grant access to information relating to hazards at the workplace and the health and safety of the workers if the information is confidential commercial information.	23 February 2021			
Person who conducts business or undertaking	71(8)	Power to decide that financial information or other information that has a commercial value, if disclosed, will cause significant financial harm to a business or undertaking.	23 February 2021			
Person who conducts a business or undertaking	73(1)	Power to agree to apportion the costs.	23 February 2021			
Person who conducts a business or undertaking	73(2)	Power to negotiate and agree upon a variation to the apportionment of costs between persons conducting the businesses or undertakings.	23 February 2021			

#### Division 4 – Health and safety committees

Entity power given to	Section of WHSA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person who conducts a business or undertaking	76(1)	Subject to subsections (2) to (4) power to agree upon the constitution of a health and safety committee.	23 February 2021			
Person who conducts a business or undertaking	76(5)	Power to ask the regulator to appoint an inspector to decide the matter.	23 February 2021			
Person who conducts a business or undertaking	77(c)	Power to agree upon the functions of a health and safety committee.	23 February 2021			

#### Division 5 – Issue resolution

Entity power given to	Section of WHSA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
A party to the issue	82(2)	Power to ask the regulator to appoint an inspector to attend the workplace to assist in resolving the issue.	23 February 2021			

#### Division 6 – Right to cease or direct cessation of unsafe work

Entity power given to	Section of WHSA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person who conducts a	87	Power to direct a worker to carry out suitable alternative work at the same or another workplace if that work is safe and	23 February 2021			

business or undertaking		appropriate for the worker to carry out until the worker can resume normal duties.				
Person who conducts a business or undertaking	89	Power to ask the regulator to appoint an inspector to attend the workplace to assist in resolving an issue arising in relation to the cessation of work.	23 February 2021			

#### **Division 7A – Work health and safety disputes**

<b>Entity power given to</b>	<b>Section of WHSA</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>
Party to the dispute	102B(2)	Power to give the industrial registrar notice of the dispute.	23 February 2021			
A person dissatisfied with a decision made by the commission under this division.	102G	Power to appeal the decision under the Industrial Relations Act 2016.	23 February 2021			

### **Part 7 – Workplace entry by WHS entry permit holders**

#### **Division 6 – Dealing with disputes**

<b>Entity power given to</b>	<b>Section of WHSA</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>
Party to the dispute	141	Power to ask the regulator to appoint an inspector to attend the workplace to assist in resolving the dispute.	23 February 2021			

**Subdivision 2 – Role of commission**

Entity power given to	Section of WHSA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
A person dissatisfied with a decision made by the commission under this division.	142A(4)	Power to appeal the decision under the Industrial Relations Act 2016.	23 February 2021			

**Part 12 – Review of decisions**

**Division 2 – Internal review**

Entity power given to	Section of WHSA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
An eligible person in relation to a reviewable decision	224	Power to apply to the regulator for internal review.	23 February 2021			

**Division 3 – External review**

Entity power given to	Section of WHSA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Eligible person	229	Power to apply to the external review body for an external review.	23 February 2021			

[2019 03 18 - WHSA - Delegation Table]

# INSTRUMENT OF SUB-DELEGATION

**Torres Strait Island Regional Council**  
***Work Health and Safety Act 2011 ("WHS")***

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

### *Work Health and Safety Act 2011 ("WHS Act")*

#### Part 3 – Incident notification

Entity power given to	Section of WHSA	Description
Person who conducts a business or undertaking	38(1)	Power to notify the regulator immediately after becoming aware that a notifiable incident arising out of the conduct of the business or undertaking has occurred.
Person who conducts a business or undertaking	38(4)(b)	Power to, if required by the regulator, give written notice of the incident within 48 hours of that requirement being made.

#### Part 5 – Consultation, representation and participation

##### Division 3 – Health and safety representatives

##### *Subdivision 2 – Determination of work groups*

Entity power given to	Section of WHSA	Description
Person who conducts a business or undertaking	52(1)	Power to negotiate and agree upon the work group.
Person who conducts a business or undertaking	52(4)	Power to negotiate a variation of the agreement upon a work group.
Person who conducts a business or undertaking	53(1)	Power to notify the workers of the outcome of negotiations and of any work groups determined by agreement.
Person who conducts a business or undertaking	53(2)	Power to notify the worker of the outcome of the negotiations and of the variation (if any) to the agreement.
Any person who is or would be a party to negotiations	54(1)	Power to ask the regulator to appoint an inspector for the purposes of this section.

##### *Subdivision 3 – Multiple-business work group*

Entity power given to	Section of WHSA	Description
Parties to an agreement	55(3)	Power to negotiate a variation of the agreement.
Any party to the negotiations	56(3)	Power to ask the regulator to appoint an inspector.

Person who conducts a business or undertaking	57(1)	Power to notify the workers of the outcome of the negotiations and of any work groups determined by agreement.
Person who conducts a business or undertaking	57(2)	Power to notify the workers of the outcome of the negotiations and of the variation (if any) to the agreement.
A party to a negotiation for an agreement	58(1)	Power to withdraw from the negotiation or agreement by giving notice in writing to the other parties.

***Subdivision 6 – Obligations of person conducting business or undertaking to health and safety representatives***

Entity power given to	Section of WHSA	Description
Person who conducts a business or undertaking	71(5)	Power to refuse, on reasonable grounds to grant access to the workplace to a person assisting a health and safety representative for a work group.
Person who conducts a business or undertaking	71(7)	Power to refuse to grant access to information relating to hazards at the workplace and the health and safety of the workers if the information is confidential commercial information.
Person who conducts business or undertaking	71(8)	Power to decide that financial information or other information that has a commercial value, if disclosed, will cause significant financial harm to a business or undertaking.
Person who conducts a business or undertaking	73(1)	Power to agree to apportion the costs.
Person who conducts a business or undertaking	73(2)	Power to negotiate and agree upon a variation to the apportionment of costs between persons conducting the businesses or undertakings.

**Division 4 – Health and safety committees**

Entity power given to	Section of WHSA	Description
Person who conducts a business or undertaking	76(1)	Subject to subsections (2) to (4) power to agree upon the constitution of a health and safety committee.
Person who conducts a business or undertaking	76(5)	Power to ask the regulator to appoint an inspector to decide the matter.
Person who conducts a business or undertaking	77(c)	Power to agree upon the functions of a health and safety committee.

### **Division 5 – Issue resolution**

<b>Entity power given to</b>	<b>Section of WHS Act</b>	<b>Description</b>
A party to the issue	82(2)	Power to ask the regulator to appoint an inspector to attend the workplace to assist in resolving the issue.

### **Division 6 – Right to cease or direct cessation of unsafe work**

<b>Entity power given to</b>	<b>Section of WHS Act</b>	<b>Description</b>
Person who conducts a business or undertaking	87	Power to direct a worker to carry out suitable alternative work at the same or another workplace if that work is safe and appropriate for the worker to carry out until the worker can resume normal duties.
Person who conducts a business or undertaking	89	Power to ask the regulator to appoint an inspector to attend the workplace to assist in resolving an issue arising in relation to the cessation of work.

### **Division 7A – Work health and safety disputes**

<b>Entity power given to</b>	<b>Section of WHS Act</b>	<b>Description</b>
Party to the dispute	102B(2)	Power to give the industrial registrar notice of the dispute.
A person dissatisfied with a decision made by the commission under this division.	102G	Power to appeal the decision under the Industrial Relations Act 2016.

## **Part 7 – Workplace entry by WHS entry permit holders**

### **Division 6 – Dealing with disputes**

<b>Entity power given to</b>	<b>Section of WHS Act</b>	<b>Description</b>
Party to the dispute	141	Power to ask the regulator to appoint an inspector to attend the workplace to assist in resolving the dispute.

### **Subdivision 2 – Role of commission**

<b>Entity power given to</b>	<b>Section of WHS Act</b>	<b>Description</b>
A person dissatisfied with a decision made by the commission under this division.	142A(4)	Power to appeal the decision under the Industrial Relations Act 2016.

**Part 12 –****Review of decisions****Division 2 – Internal review**

<b>Entity power given to</b>	<b>Section of WHSA</b>	<b>Description</b>
An eligible person in relation to a reviewable decision	224	Power to apply to the regulator for internal review.

**Division 3 – External review**

<b>Entity power given to</b>	<b>Section of WHSA</b>	<b>Description</b>
Eligible person	229	Power to apply to the external review body for an external review.

## **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 03 18 - WHSA - 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 (section 9(3) LGA 2009); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
  - 
  - a. impact on land and/or sea; and/or
  - b. involve payment of compensation regarding land; and/or
  - c. require a budget amendment.

# **INSTRUMENT OF DELEGATION**

## **Torres Strait Island Regional Council** ***Waste Reduction and Recycling Regulation 2011 ("WRRR")***

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 Regulation 2011 ("WRRR")****Part 2A – Designation of areas by local governments for general or green waste collection**

Entity power given to	Section of WRRR	Description
Local Government	7(b)	Power to decide the frequency of general waste or green waste collection in the designated areas.

**Part 3 - Waste levy****Division 4 – Discounting waste levy for residue waste**

Entity power given to	Section of WRRR	Description
Holder of the approval	11J(1)(b)	In the circumstances, the power to give the chief executive a report that complies with subsection (2) within 2 months after each reporting period ends.

## **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 09 01 - WRRR - 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 (section 9(3) LGA 2009); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
  - 
  - a. impact on land and/or sea; and/or
  - b. involve payment of compensation regarding land; and/or
  - c. require a budget amendment.

## DELEGABLE POWERS UNDER THE WASTE REDUCTION AND RECYCLING REGULATION 2011 ("WRRR")

### Part 2A – Designation of areas by local governments for general or green waste collection

Entity power given to	Section of WRRR		Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	7(b)	Power to decide the frequency of general waste or green waste collection in the designated areas.	23 February 2021			

### Part 3 - Waste levy

#### Division 4 – Discounting waste levy for residue waste

Entity power given to	Section of WRRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Holder of the approval	11J(1)(b)	In the circumstances, the power to give the chief executive a report that complies with subsection (2) within 2 months after each reporting period ends.	23 February 2021			Effective 1 July 2019

[2019 09 01 - WRRR - Delegation Table]

**Torres Strait Island Regional Council**  
***Waste Reduction and Recycling Regulation 2011 ("WRRR")***

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

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

## POWERS SUB-DELEGATED

### *Waste Reduction and Recycling Regulation 2011 ("WRRR")*

**Part 2A – Designation of areas by local governments for general or green waste collection**

Entity power given to	Section of WRRR	Description
Local Government	7(b)	Power to decide the frequency of general waste or green waste collection in the designated areas.

**Part 3 - Waste levy**

**Division 4 – Discounting waste levy for residue waste**

Entity power given to	Section of WRRR	Description
Holder of the approval	11J(1)(b)	In the circumstances, the power to give the chief executive a report that complies with subsection (2) within 2 months after each reporting period ends.

## **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 09 01 - WRRR - 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 (section 9(3) LGA 2009); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
  - 
  - a. impact on land and/or sea; and/or
  - b. involve payment of compensation regarding land; and/or
  - c. require a budget amendment.

# **INSTRUMENT OF DELEGATION**

## **Torres Strait Island Regional Council** ***Water Supply (Safety and Reliability) Act 2008 ("WSSR")***

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

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

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

**Water Supply (Safety and Reliability) Act 2008 ("WSSR")****CHAPTER 2 – INFRASTRUCTURE AND SERVICE****Part 3 – Service providers****Division 1 – Regulation of service providers****Subdivision 1 – Application for registration**

Entity power given to	Section of WSSR	Description
Service Provider	20(1)	Power to apply for registration as a service provider.
Relevant Infrastructure Owner	21(1)(c)(ii)	Power to give written consent.

**Subdivision 2 – Changing registration details**

Entity power given to	Section of WSSR	Description
Water Service Provider	23(1)	Power to apply to change the service provider's details of registration in the service provider register.
Water Service Provider	23A(2)	In the specified circumstances, power to give the regulator notice of the change in the approved form.

**Subdivision 3 – Transferring registration**

Entity power given to	Section of WSSR	Description
Current Infrastructure Owner	25A(1)	In the specified circumstances, power to give the regulator notice (the <b>transfer notice</b> ) of the proposed transfer.

**Subdivision 4 – Cancelling registration other than for transfer**

Entity power given to	Section of WSSR	Description
Water Service Provider	26(2)	Power to give notice of the possible stoppage.
Water Service Provider	26(8)	In the specified circumstances, power to give notice of the stoppage.
Water Service Provider	28(1)	In the specified circumstances, power to apply to the regulator to have the provider's registration cancelled.
Water Service Provider	28(4)(b)	In the specified circumstances, power to verify information included in the application, or the additional information provided under section 28(4)(a), by statutory declaration.

## Division 2 – General powers of service providers and authorised persons

Entity power given to	Section of WSSR	Description
Water Service Provider	33(2)	In the specified circumstances, power to give a person a notice asking the person stated in the notice, why the person's unauthorised connection should not be disconnected.
Water Service Provider	33(4)	In the specified circumstances, power to be satisfied regarding whether an unauthorised connection should be disconnected.
Water Service Provider	34(2)	In the specified circumstances, power to give an owner a notice to do work within a reasonable time stated in the notice, to: (a) rectify the equipment; or (b) remove the vegetation or other thing.
Water Service Provider	35(1)	Power to decide the position of a meter on infrastructure supplying water to premises, and to approve the installation of that meter in the position decided.
Water Service Provider	36(2)(b)	In the specified circumstances, power to give an occupier at least 14 days notice of the entry and the purpose of the entry.
Water Service Provider	36(2)(c)	In the specified circumstances, the power to decide that urgent action needs to be taken to protect the service providers infrastructure at the place.

## Division 3 – Power to restrict water supply

Entity power given to	Section of WSSR	Description
Water Service Provider <u>outside the SEQ Region</u>	41(1) <sup>1</sup>	Power to consider it necessary, to restrict: (a) the volume of water taken by or supplied to a customer or type of customer; or (b) the hours when water may be used on premises for stated purposes; or (c) the way water may be used on premises.
Water Service Provider	41(3)	Power to apply a restriction imposed under section 41(1) to water taken from a rainwater tank connected to the service provider's reticulated supply.
Water Service Provider	43(1)	Power to give notice of a service provider water restriction to anyone affected by it in the way you consider appropriate having regard to the circumstances in which the service provider water restriction is imposed.
Water Service Provider	44(1)	Power to shut off a water supply to premises for a time reasonably necessary for work to be performed on the service provider's infrastructure, including a property service.
Water Service Provider	44(2)	In the specified circumstances, power to give to anyone likely to be affected by shutting off the water supply at least 48 hours notice of the intention to shut off the water supply, advising the reasons for shutting it off, and for how long it will be shut off.
Water Service Provider	44(3)	In the specified circumstances, power to shut off water supply, without notice, if there is: (a) a serious risk to public health;

<sup>1</sup> The power to impose such a restriction is only available if it is made under one of the circumstances specified in Section 41(2).

		<p>(b) a likelihood of serious injury to persons or damage to property; or</p> <p>(c) another emergency.</p>
Water Service Provider	44(4)	<p>In the specified circumstances power to give, to anyone likely to be affected by the action:</p> <p>(a) notice of the action; and</p> <p>(b) the reasons for the action; and</p> <p>(c) if the action is continuing when the notice is given - notice about how long the action will continue.</p>

#### Division 4 – Authorised persons

Entity power given to	Section of WSSR	Description
Service Provider	45(1)	<p>Power to appoint a person to be an authorised person if:</p> <p>(a) satisfied the person has the necessary expertise or experience to be an authorised person; or</p> <p>(b) the person has satisfactorily finished training approved by the service provider.</p>
Service Provider	45(2)	<p>Power to be satisfied that the person:</p> <p>(a) can perform the functions of an authorised person safely; and</p> <p>(b) can, while performing those functions, mitigate any risks to public health and safety.</p>

#### Division 6 – Water efficiency management plans

Entity power given to	Section of WSSR	Description
Water Service Provider	52(2)	<p>Upon written direction of the Chief Executive, under section 52(1) power to give a customer, or type of customer, a written notice:</p> <p>(a) to prepare a plan (a <b><i>water efficiency management plan</i></b>); and</p> <p>(b) to give it to the water service provider within the reasonable time stated by the Chief Executive.</p>
Water Service Provider	52(3)(a)	<p>In the specified circumstances, power to give a customer, or type of customer, a written notice, to prepare a plan (also a <b><i>water efficiency management plan</i></b>).</p>
Water Service Provider	52(3)(b)	<p>Power to decide the reasonable period within which the customer, or type of customer, must provide the plan (also a <b><i>water efficiency management plan</i></b>).</p>
Water Service Provider	54(1)	<p>For deciding whether or not to approve a water efficiency management plan, power to require the customer to give additional information about the plan within a reasonable period.</p>
Water Service Provider	54(2)	<p>Power to approve, with or without conditions, or refuse to approve a water efficiency management plan:</p> <p>(1) if additional information is not required – within 60 business days after receiving the plan; or</p> <p>(2) if additional information is required – within 60 business days of when the information is received or should have been given, whichever is earlier.</p>

Water Service Provider	54(3)	In the specified circumstances, power to give the customer an information notice.
Water Service Provider	54(5)	Power to extend the period of 20 business days mentioned in section 54(4).
Water Service Provider	57(2)	Upon the direction of the Chief Executive, power to give a customer, or type of customer, a written notice requiring the customer to: <ul style="list-style-type: none"> <li>(a) amend an approved water efficiency management plan and give it to the water service provider within the reasonable time stated by the Chief Executive; or</li> <li>(b) prepare a new water efficiency management plan and give it to the water service provider within the reasonable time stated by the Chief Executive.</li> </ul>
Water Service Provider	58(1)	Power to be satisfied that: <ul style="list-style-type: none"> <li>(a) for a customer, or a type of customer, production output or water consumption has increased significantly; or</li> <li>(b) the cost effectiveness of implementing an approved water efficiency management plan is likely to have changed significantly; or</li> <li>(c) there is or there is likely to be a severe water supply shortage.</li> </ul>
Water Service Provider	58(2)	Subject to being satisfied under section 58(1), power to give the customer a written notice requiring the customer to: <ul style="list-style-type: none"> <li>(a) amend the plan and give it to the water service provider within the reasonable time stated by the water service provider; or</li> <li>(b) prepared a new water efficiency management plan and give it to the water service provider within the reasonable time stated by the water service provider.</li> </ul>
Water Service Provider	59(2)	Power to decide a request from a customer under section 59(1).
Water Service Provider	60(1)	Power to be satisfied or reasonably believe that a customer to whom an approved water efficiency management plan applies has not complied with the plan.
Water Service Provider	60(2)	In the specified circumstances, power to give the customer a notice, requiring the customer to comply with the plan within the reasonable time stated in the notice.
Water Service Provider	61(1)	Power to ensure a customer to whom an approved water efficiency management plan applies reviews the plan when the water service provider considers it appropriate.

#### **Part 4 –**

#### **Service providers obligations**

#### **Division 1 – Drinking water quality management**

#### ***Subdivision 2 – Drinking water quality management plans***

<b>Entity power given to</b>	<b>Section of WSSR</b>	<b>Description</b>
Drinking Water Service Provider	95(1)	Power to apply to the regulator for approval of a drinking water quality management plan.
Drinking Water Service Provider	99A(1)	In certain circumstances, power to agree with the regulator to amend the providers approved drinking water quality management plan.

Drinking Water Service Provider	100(2)	Power to apply to the regulator for approval of a proposed amended drinking water quality management plan.
Drinking Water Service Provider	102(2)	Power to inform the regulator of noncompliance and the circumstances that gave rise to the noncompliance.
Drinking Water Service Provider	102(3)	Power to give the regulator notice of the following in the approved form: (a) the noncompliance and the circumstances that gave rise to the noncompliance; (b) any action taken, or to be taken, by the provider to correct the noncompliance; and (c) the measures the provider will take to prevent the noncompliance in the future.
Drinking Water Service Provider	102A(2)	In the specified circumstances, power to immediately inform the regulator of the prescribed incident.
Drinking Water Service Provider	102A(3)	In the specified circumstances, power to give the regulator notice of the following in the approved form: (a) the prescribed incident and the circumstances that gave rise to the incident; (b) any action taken, or to be taken, by the provider relating to the prescribed incident; and (c) the measures the provider will take to prevent the prescribed incident happening again in the future.
Drinking Water Service Provider	103(2)	Power to give a notice to the owner of water storage or other infrastructure to ask the owner to give the drinking water service provider information reasonably requested about the quality of water in the water storage or infrastructure.
Service Provider	107(2)(b)	In the specified circumstances, power to apply to the regulator for approval of an amended plan.
Service provider	109(1)	Power to sign a statutory declaration on behalf of the service provider.

### Division 3 – Customer service standards

Entity power given to	Section of WSSR	Description
Service Provider	115(3)	Power to consider submissions made to the provider about the proposed customer service standard.

### Division 5 – Reporting for particular financial years

Entity power given to	Section of WSSR	Description
Service Provider	142(2)(a)	Power to prepare a drinking water quality management plan report.
Service Provider	142(2)(b)	Power to give the regulator a copy of the drinking water quality management plan report.
Relevant infrastructure owner	142C(2)	In the specified circumstances, power to provide written agreement to a drinking water quality management plan report.

### Division 6 – Water for fire fighting

Entity power given to	Section of WSSR	Description
Service Provider	145(1)	Power to permit a person to take water from a fire fighting system or a service provider's hydrant.

### Part 5 – Service areas

#### Division 3 – Access to services in service areas

Entity power given to	Section of WSSR	Description
Service Provider	166(3)	In the specified circumstances, power to impose conditions on the installation of water storage tanks and pumps.

#### Division 4 – Connecting to particular registered services

Entity power given to	Section of WSSR	Description
Service Provider	167(2)	In the specified circumstances, power to advise an owner of any work that is considered reasonably necessary to be carried out on premises and any reasonable connection fee to enable the premises to be connected to the infrastructure.
Service Provider	168(1)	Power to, by notice given to the owner of premises in the service area, require the owner to carry out works for connecting the premises to a registered service.
Service Provider	168(2)(c)	In the specified circumstances, power to agree to an extension of the period within which the work must be completed.

#### Division 5 – Restricting domestic water supply

Entity power given to	Section of WSSR	Description
Service Provider	169(1)	Power to give a notice to an owner or occupier of domestic premises not to contravene a restriction or to pay a rate or charge for a service.
Service Provider	169(2)	Power to decide the minimum level of water necessary for the health and sanitation purposes of the owner or occupier.

### Part 6 – Trade waste and seepage water approvals

Entity power given to	Section of WSSR	Description
Sewerage Service Provider	180(1)	In the specified circumstances, power to give a person: (a) an approval to discharge trade waste (a <b>trade waste approval</b> ) into Council's sewerage infrastructure; and (b) an approval to discharge seepage water (a <b>seepage water approval</b> ) into Council's sewerage infrastructure.
Sewerage Service Provider	180(3)	Power to consider the effect of the proposed discharge on any existing or potential re-use of waste water or sludge.
Sewerage Service Provider	180(4)	Power to be satisfied: (a) having regard to the amount, type and strength of the proposed discharge, the discharge will not harm the

		sewerage or the health and safety of anyone working on the sewerage; and (b) the sewage treatment plant to treat the discharge is capable of treating the discharge to an acceptable standard.
Sewerage Service Provider	180(5)	In the specified circumstances, power to be satisfied the proposed discharge into the sewerage is consistent with the plan.
Sewerage Service Provider	181(1)	Power to give a trade waste approval or seepage water approval on conditions.
Sewerage Service Provider	182	Power to suspend or cancel a trade waste approval or a seepage water approval (the <b>proposed action</b> ) if satisfied any of the specified circumstances applies.
Sewerage Service Provider	183(1)	In the specified circumstances, power to give an approval holder a show cause notice about the proposed action.
Sewerage Service Provider	183(2)	Power to consider submissions made in response to a show cause notice, to be satisfied the proposed action should be taken, and then to: (a) if the proposed action was to suspend the approval for a stated period - suspend the approval for not longer the proposed suspension period; or (b) if the proposed action was to cancel the approval - either cancel the approval or suspend it for a period.
Sewerage Service Provider	183(3)	In the specified circumstances, power to give the approval holder an information notice about the decision.
Sewerage Service Provider	183(4)	Power to consider any submissions and, if not satisfied the proposed action should be taken, the power to give the approval holder a notice about the decision.
Sewerage Service Provider	184(1)	In the specified circumstances, power to suspend or cancel an approval without giving a show cause notice, if further action is considered necessary: (a) in the interests of public health or safety; or (b) to prevent environmental harm; or (c) to prevent damage to Council's sewerage system.
Sewerage Service Provider	184(2)	In the specified circumstances, power to cancel a trade waste approval given by the sewerage service provider.
Sewerage Service Provider	184(3)	In the specified circumstances, power to give the approval holder an information notice about the action.
Sewerage Service Provider	185(2)	Power to give a notice to the approval holder to amend a trade waste approval to ensure that it is consistent with conditions mentioned in section 185(1)(a).

## Part 7 – Offences

Entity power given to	Section of WSSR	Description
Service Provider	191	Power to give written consent to a person connecting to, or disconnecting from, the service provider's infrastructure.
Service Provider	192(1)	Power to give written consent to a person interfering with a service provider's infrastructure.
Service Provider	192(2)	Power to give written consent to a person building over, interfering with access to, increasing or reducing the cover over, or changing the surface of land in any way causing ponding of

		water over an access chamber for, a service provider's infrastructure.
Service Provider	193(3)	Power to give written consent to a person discharging water from an ornamental pond, a swimming pool or the filtration system of a swimming pool into a service provider's infrastructure.
Service Provider	195(1)	Power to give written approval to a person taking water from a service provider's infrastructure.
Service Provider	195(2)	In the specified circumstances, power to give written approval to a person taking water from a supply pipe on premises for use off the premises.

## CHAPTER 3 – RECYCLED WATER MANAGEMENT

### Part 1A – Recycled water schemes

#### Division 1 – Registration

Entity power given to	Section of WSSR	Description
Relevant entity for a recycled water scheme	196AA(1)	Power to apply for registration of the scheme.

#### Division 2 – Changing registration details

Entity power given to	Section of WSSR	Description
Relevant entity for a recycled water scheme which is registered under Chapter 3, Part 1A, Division 2	196AD(1)	Power to apply to change the details of the registration recorded in the register.
Relevant entity for a recycled water scheme which is registered under Chapter 3, Part 1A, Division 2	196AE(1)	Power to apply to cancel the registration if the recycled water is no longer supplied under the scheme.

### Part 2 – Recycled water management planning

Entity power given to	Section of WSSR	Description
Recycled Water Provider	202(1)	Power to apply to the regulator for approval of a recycled water management plan.
Recycled Water Provider	203(1)(b)	Power to sign a statutory declaration verifying the information included in the plan, or any additional information given under section 203(1)(a).
Recycled Water Provider	208(2)	Power to give regulator notice of a stoppage or proposed stoppage of the production or supply of recycled water, in accordance with the circumstances of that section.
Recycled Water Provider	208(5)	Power to, as soon as practicable, give the regulator notice of the stoppage or proposed stoppage of the production or supply

		of recycled water under a scheme and otherwise in the circumstances of that section.
Recycled Water Provider	209(1)	Power to obtain the regulator's agreement to amend the recycled water management plan for the scheme.
Recycled Water Provider	212(2)	Power to apply to the regulator for approval of the proposed amended recycled water management plan.
Recycled Water Provider	212(3)	Power to exercise the delegable powers (if any) contained in sections 202(2), (3) and (4), and sections 203 to 208 as if a reference in the sections to: <ul style="list-style-type: none"> <li>(a) the recycled water management plan were a reference to the amended recycled water management plan; and</li> <li>(b) the plan were a reference to the amended plan.</li> </ul>
Relevant entity for the recycled water scheme	215(1)	If a recycled water management plan has been suspended, power to apply to the regulator for an approval to resume supply of recycled water under the scheme.
Recycled Water Provider	215(3)	Power to exercise the delegable powers (if any) contained in sections 203 and 204 as if a reference in the sections to: <ul style="list-style-type: none"> <li>(a) the recycled water management plan were a reference to the suspended recycled water management plan; and</li> <li>(b) the plan were a reference to the suspended plan.</li> </ul>
Recycled Water Provider	215(7)	Power to exercise the delegable powers (if any) contained in sections 202(2), (3) and (4), and sections 203 to 208 as if a reference in the sections to: <ul style="list-style-type: none"> <li>(a) the recycled water management plan were a reference to the amended recycled water management plan; and</li> <li>(b) the plan were a reference to the amended plan.</li> </ul>

### **Part 3 – Notice about permanently stopping supply of recycled water**

<b>Entity power given to</b>	<b>Section of WSSR</b>	<b>Description</b>
Recycled Water Provider	230(2)	Power to give a notice to the regulator of a proposed stoppage at least 30 days before the supply of recycled water is stopped.
Relevant entity for the critical recycled water scheme (if relevant)	230(4)	Power to give the regulator notice of the proposed stoppage at least 60 days before supply of the recycled water is stopped.
Relevant entity for the critical recycled water scheme (if relevant)	230(6)(b)	Power to sign a statutory declaration verifying the information included in the notice, or any additional information given under section 230(6)(a).
Recycled Water Provider	230(9)	Power to give the regulator notice of a stoppage of recycled water under recycled water scheme within 5 days after the supply stops.

### **Part 4 – Validation Programs**

**[This part applies to a recycled water scheme if recycled water is proposed to be supplied under the scheme to augment a supply of drinking water.]**

<b>Entity power given to</b>	<b>Section of WSSR</b>	<b>Description</b>
Recycled Water Provider	237(1)	Power to apply to the regulator for approval of a validation program.

Relevant entity for the critical recycled water scheme (if relevant)	238(1)(b)	Power to sign a statutory declaration verifying the information included in the program, or any additional information given under section 238(1)(a).
Relevant Entity	242(2)	Power to apply to the regulator for approval of the proposed amended validation program.
Recycled Water Provider	242(3)	Power to exercise the delegable powers (if any) contained in sections 237(2) and sections 238 to 241 as if a reference in the sections to: (a) the validation program were a reference to the amended validation program; and (b) the program were a reference to the amended program.

## **Part 6 – Reviews and audits of recycled water management plans**

<b>Entity power given to</b>	<b>Section of WSSR</b>	<b>Description</b>
Recycled Water Provider	259(2)(b)	In the specified circumstances, power to apply to the regulator for approval of the amended plan.
Scheme Manager	259(4)	In the specified circumstances, power to apply to the regulator for approval of the amended recycled water management plan for the scheme.
Recycled Water Provider	259(6)	Power to exercise the delegable powers (if any) contained in sections 202(2), (3) and (4), and sections 203 to 208 as if a reference in the sections to: (a) the recycled water management plan were a reference to the amended recycled water management plan; and (b) the plan were a reference to the amended plan.

## **Part 7 – Reporting requirements**

### **Division 4 – Connecting to registered services**

<b>Entity power given to</b>	<b>Section of WSSR</b>	<b>Description</b>
Alerting entity	270(2)	In the specified circumstances, power to immediately inform the regulator and, if another entity is the responsible entity for the noncompliance, the responsible entity, of the noncompliance and the circumstances that gave rise to the noncompliance.
Responsible entity for the non-compliance	270(4)	Power to give the regulator notice of the following: (a) the noncompliance and the circumstances that gave rise to the noncompliance; (b) any action taken, or to be taken, by the entity to correct the noncompliance; and (c) the measures the entity will take to prevent the noncompliance in the future.
Alerting entity	271(2)	In the specified circumstances, power to immediately inform the regulator and, if another entity is the responsible entity for prescribed incident, the responsible entity, of the prescribed incident.
Alerting entity	271(4)	In the specified circumstances, power to give the regulator notice of: (a) the prescribed incident and the circumstances that gave rise to the prescribed incident;

		(b) any action taken, or to be taken, by the entity relating to the prescribed incident; and (c) the measures the entity will take to prevent the prescribed incident happening again in the future.
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**Part 8 – Declaration of critical recycled water schemes**

Entity power given to	Section of WSSR	Description
Entity to whom a notice of the regulator's intention to make a decision	303(4)(e)	Power to give the regulator a notice about who the provider and entities agree is the scheme manager.
Relevant entity for a critical recycled water scheme	306(1)	Power to considers the scheme should not be a critical recycled water scheme, and to ask the regulator to review the making of the declaration.
Recycled water providers / entity declared to be part of the scheme	307(2)	In the specified circumstances, power to give the regulator notice of who is the scheme manager.

**Part 10 – Miscellaneous**

Entity power given to	Section of WSSR	Description
Scheme manager for a multiple-entity recycled water scheme	333(2)	In the specified circumstances, power to, by notice, require a recycled water provider or other declared entity for the scheme to give the scheme manager, within a stated reasonable period, information the scheme manager reasonably requires to comply with the scheme manager's obligations under this Act.

**CHAPTER 4 – REFERABLE DAMS AND FLOOD AND DROUGHT MITIGATION**

**Part 1 – Referrable dams**

**Division 2A – Emergency action planning and reporting**

***Subdivision 1 – Preliminary***

Entity power given to	Section of WSSR	Description
Owner of a referable dam	352F	Power to prepare an emergency action plan for a dam under subdivision 3 and to give it to the Chief Executive for approval.

***Subdivision 3 – Preparation of emergency actions plans***

Entity power given to	Section of WSSR	Description
Local Government	352HB(1)	Power to assess and decide whether the emergency action plan is consistent with its disaster management plan.
Local Government	352HB(2)	Power to consult with its local group for the plan.

### ***Subdivision 6 – Reviewing emergency action plans***

Entity power given to	Section of WSSR	Description
Owner of a referable dam	352O(2)(c)(ii)	Power to give an emergency action plan for a dam to the Chief Executive.
Owner of a referable dam	352P	The power, before 1 October each year to: (a) review the approved emergency action plan for the dam; and (b) give to the Chief Executive: (i) a notice stating whether or not the owner proposes an amendment to the plan because of the review; and (ii) if the owner proposes an amendment – a copy of the plan including the proposed amendment.

### ***Subdivision 7 – Amending emergency action plans***

Entity power given to	Section of WSSR	Description
Owner of a referable dam	352Q(1)	Power to ask the Chief Executive to amend the approved emergency action plan for the dam to: 1.1 correct a minor error; or 1.2 make another change that is not a change of substance.

### ***Subdivision 9 – Emergency event reporting***

Entity power given to	Section of WSSR	Description
Owner of referable dam	352T(2)	Power to prepare a report (an <b><i>emergency event report</i></b> ) and to give it to the Chief Executive.
Owner of referable dam	352T(2)(a)	Power to consider when the dam hazard giving rise to the event is no longer a material risk to persons or property.
Owner of referable dam	352T(2)(b)	Power to agree a further period in writing with the Chief Executive.
Owner of referable dam	352U(3)	Power to prepare a report (an <b><i>emergency event interim report</i></b> ) and to give it to the Chief Executive officer in accordance with section 352U(2).

### ***Division 3 – Safety conditions for existing referable dams***

Entity power given to	Section of WSSR	Description
Owner of a referable dam	354(3)(b)	Power to agree with the Chief Executive, an extended period for deciding safety conditions.

### ***Subdivision 2 – Chief Executive may give direction or take action about failure of dam***

Entity power given to	Section of WSSR	Description
Owner of land on which a dam is situated / operator of a dam	359(3)	Power to comply with a notice issued under section 359(1).

Owner of land on which a dam is situated / operator of a dam	359(4)	Power to give to the Chief Executive officer, a notice that the person intends to remove the dam.
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## **Part 2 –**

## **Flood mitigation manuals and reporting**

### **Division 2 – Preparation of flood mitigation manuals**

<b>Entity power given to</b>	<b>Section of WSSR</b>	<b>Description</b>
Owner of a referable dam	371C	Power to prepare a flood mitigation manual for a dam under division 2 and to give it to the minister for approval.

### **Division 3 – Approving flood mitigation manuals**

<b>Entity power given to</b>	<b>Section of WSSR</b>	<b>Description</b>
Owner of a referable dam	371H(2)	Power to prepare a new flood mitigation manual and give it to the minister in compliance with a notice given under section 371H.

### **Division 4 – Amending and reviewing flood mitigation manuals**

<b>Entity power given to</b>	<b>Section of WSSR</b>	<b>Description</b>
Owner of a referable dam	372(2)	Power to amend a flood mitigation manual for a dam in compliance with a notice issued under section 372(1).
Owner of a referable dam	373	Power to: <ul style="list-style-type: none"> <li>(a) review and, if necessary, update a flood mitigation manual; and</li> <li>(b) give a copy of it to the minister for the minister's approval under division 3.</li> </ul>

### **Division 5 – Renewing flood mitigation manuals**

<b>Entity power given to</b>	<b>Section of WSSR</b>	<b>Description</b>
Owner of a referable dam	374(2)	Power to prepare a new flood mitigation manual for a dam and give it to the minister for approval.

### **Division 6 – Annual preparedness report**

<b>Entity power given to</b>	<b>Section of WSSR</b>	<b>Description</b>
Owner of a referable dam	375	Power to after 1 August and before 1 September each year: <ul style="list-style-type: none"> <li>(a) prepare a report (an annual preparedness report) under division 6 about the level of preparedness of the dam for a flood event under a flood mitigation manual; and</li> <li>(b) give the report to the Chief Executive.</li> </ul>

### Division 8 – Authorising alternative operational procedures

Entity power given to	Section of WSSR	Description
Owner of a referable dam	378	Power to reasonably consider that: (a) an operational strategy under a flood mitigation manual for a dam does not provide or adequately provide for the flood event; (b) to achieve an objective under the flood mitigation manual and to respond effectively to a flood event that is necessary to: (i) disregard an operational procedure under the manual (the <b>existing procedure</b> ); and (ii) observe a different operational procedure (the <b>alternative procedure</b> ).
Owner of a referable dam	379(1)	Power to give the Chief Executive the information referred to in that section (the <b>authorisation request information</b> ).
Owner of a referable dam	379(2)	Power to give the Chief Executive the authorisation to request information orally.
Owner of a referable dam	379(3)	Power to give the authorisation request information in writing as soon as practicable after giving the Chief Executive the information orally.
Owner of a referable dam	381(1)	Power to make reasonable efforts to contact the Chief Executive to give the Chief Executive the authorisation request information for the alternative procedure.
Owner of a referable dam	381(4)	Power to, as soon as practicable after failing to contact, or losing contact with, the Chief Executive, record the authorisation request information in writing and give it to the Chief Executive.
Owner of a referable dam	381(6)	Power to form the reasonable belief that the Chief Executive is no longer able to respond to the owner for the purpose of subsection (2).

### Division 9 – Flood event reporting

Entity power given to	Section of WSSR	Description
Owner of a referable dam	383(2)	Power to prepare a report (a <b>flood event report</b> ) under division 9 and give it to the Chief Executive.
Owner of a referable dam	383(2)(b)	Power to agree to a further period in writing with the Chief Executive.
Owner of a referable dam	384(3)	Power to comply with a notice given to the owner of the dam under section 384(2).

### Part 4 – Reducing full supply level for safety purposes

Entity power given to	Section of WSSR	Description
Dam Owner	399B(1)	Power to form the belief, based on the advice of a registered professional engineer, that there is an unacceptable risk of a failure of a dam if it operates at the full supply level stated in the resource operations licence for the dam.
Owner	399B(2)	Power to reduce the full supply level of the dam to the level (the <b>reduced full supply level</b> ) that lowers the risk of a failure of

		the dam to a level acceptable to the owner, having regard to the advice of the registered professional engineer.
Owner	399B(4)	Power to consider and include in a notice: 1.1 the reasons why it is necessary to operate the dam at the reduced full supply level; and 1.2 the period for which it is necessary to operate the dam at the reduced supply level.
Owner	399C(3)(a)	Power to decide and include in a report when the owner intends to allow the dam to return to the full supply level stated in the resource operations licence for the dam.
Service Provider	399C(3)(b)	Power to consider and decide and include in a report: i. the impacts the reduced full supply level has had on the provider's customers since its reduction; ii. the likely future impacts on customers for the period for which the provider proposes to keep the dam at a reduced full supply level; and iii. the impacts the reduced full supply level has had or is likely to have on achieving the water plan outcomes for a water plan under the Water Act.

## CHAPTER 5 – INVESTIGATIONS AND ENFORCEMENT MATTERS

### Part 5A – Particular provisions to monitor relevant service providers

#### Division 2 – Improvement plans

Entity power given to	Section of WSSR	Description
Service Provider	446(2)	Power to make an improvement plan.
Service Provider	447	Power to make an improvement plan.

### Part 8 – Notices of cost recovery

#### Division 1 – Show cause notices

Entity power given to	Section of WSSR	Description
Person given a show cause notice, or a copy of a show cause notice	463(1)(d)	Power to make submissions about the show cause notice.

### Part 9 – Enforcement proceeding

Entity power given to	Section of WSSR	Description
Service Provider	475(2)(b) and (c)	Power to start a proceeding for a stated provision.
Service Provider	475(5)	Power to give the Chief Executive notice of the proceeding.
Service Provider	476(1)	Power to commence a proceeding for an enforcement order on behalf of the service provider.

## CHAPTER 6 – OFFENCES, EVIDENTIARY MATTERS AND LEGAL PROCEEDINGS

### Part 3 – Legal proceedings for offences

Entity power given to	Section of WSSR	Description
Person / Service Provider	496	Power to give notice to the Chief Executive of a proceeding.
Person	498(1)	Power to commence a proceeding on behalf of the service provider.

## CHAPTER 7 – REVIEWS, APPEALS AND ARBITRATION

### Part 1 – Preliminary

Entity power given to	Section of WSSR	Description
Interested person for an original decision	512(1)	Power to apply for an internal review of an original decision.
Recipient of a submitter notice	513(3)	Power to make written submissions on the internal review application to the reviewer.

### Part 3 – Appeals and external reviews

Entity power given to	Section of WSSR	Description
Interested person who applied for an internal review of the original decision	517(1)	Power to appeal against or apply for an external review of the review decision under this section.

### Part 4 – Arbitration

Entity power given to	Section of WSSR	Description
Interested person who applied an internal review of the original decision	524(2)	Power to, if dissatisfied with a decision, give the authority under the <i>Queensland Competition Authority Act 1997</i> a notice (a <b>dispute notice</b> ) applying for arbitration on the decision.
Application for arbitration	524A(2)	Power to apply for a stay of a review decision to a Court with jurisdiction to hear the proceeding.
Interested person who gave dispute notice	526	Power to withdraw the dispute notice at any time before the authority makes its decision on the dispute.

## CHAPTER 8 – MISCELLANEOUS

### Part 2 – Relationship with Planning Act

Entity power given to	Section of WSSR	Description
Person	562(2)	Power to appeal against a decision about the application to the Land Court.

### Part 3 – Other miscellaneous provisions

Entity power given to	Section of WSSR	Description
Water Service Provider	573	Power to make guidelines to provide guidance to persons about preparing a water efficiency management plan.
Water Service Provider	575(2)(a)	Power to consider that the information in the document is cybersecurity information.
Water Service Provider	575(2A)	Power to consider whether it is appropriate to keep a copy of the document available for inspection by the public at other places.
Water Service Provider	575A(2)	Power to consider that information in the document is cybersecurity information.

## CHAPTER 10 – OTHER TRANSITIONAL PROVISIONS

### Part 8 – Transitional provisions for *Electricity and Other Legislation Amendment Act 2014*

Entity power given to	Section of WSSR	Description
Administering Authority	670(2)	Power to amend the CSG environmental authority to include public health conditions.
Administering Authority	670(3)	Power to consider an amendment necessary or desirable.
Administering Authority	671(2)	Power to amend the CSG environmental authority to include public health conditions.
Administering Authority	671(3)(a)	Power to consider the amendment necessary or desirable.

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

2. 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.
3. 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.
4. 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).
5. 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.
6. 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.
7. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2021 10 20 - WSSR - Delegation Instrument]

### **Conditions imposed on all Delegations**

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

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

# DELEGABLE POWERS UNDER THE WATER SUPPLY (SAFETY AND RELIABILITY) ACT 2008 ("WSSR")

## CHAPTER 2 – INFRASTRUCTURE AND SERVICE

### Part 3 – Service providers

#### Division 1 – Regulation of service providers

##### *Subdivision 1 – Application for registration*

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Service Provider	20(1)	Power to apply for registration as a service provider.	19 July 2022			
Relevant Infrastructure Owner	21(1)(c)(ii)	Power to give written consent.	19 July 2022			

##### *Subdivision 2 – Changing registration details*

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Water Service Provider	23(1)	Power to apply to change the service provider's details of registration in the service provider register.	19 July 2022			
Water Service Provider	23A(2)	In the specified circumstances, power to give the regulator notice of the change in the approved form.	19 July 2022			

***Subdivision 3 – Transferring registration***

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Current Infrastructure Owner	25A(1)	In the specified circumstances, power to give the regulator notice (the <b>transfer notice</b> ) of the proposed transfer.	19 July 2022			

***Subdivision 4 – Cancelling registration other than for transfer***

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Water Service Provider	26(2)	Power to give notice of the possible stoppage.	19 July 2022			
Water Service Provider	26(8)	In the specified circumstances, power to give notice of the stoppage.	19 July 2022			
Water Service Provider	28(1)	In the specified circumstances, power to apply to the regulator to have the provider's registration cancelled.	19 July 2022			
Water Service Provider	28(4)(b)	In the specified circumstances, power to verify information included in the application, or the additional information provided under section 28(4)(a), by statutory declaration.	19 July 2022			

**Division 2 – General powers of service providers  
and authorised persons**

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Water Service Provider	33(2)	In the specified circumstances, power to give a person a notice asking the person stated in the notice, why the person's unauthorised connection should not be disconnected.	19 July 2022			
Water Service Provider	33(4)	In the specified circumstances, power to be satisfied regarding whether an unauthorised connection should be disconnected.	19 July 2022			
Water Service Provider	34(2)	In the specified circumstances, power to give an owner a notice to do work within a reasonable time stated in the notice, to: (a) rectify the equipment; or (b) remove the vegetation or other thing.	19 July 2022			
Water Service Provider	35(1)	Power to decide the position of a meter on infrastructure supplying water to premises, and to approve the installation of that meter in the position decided.	19 July 2022			
Water Service Provider	36(2)(b)	In the specified circumstances, power to give an occupier at least 14 days notice of the entry and the purpose of the entry.	19 July 2022			
Water Service Provider	36(2)(c)	In the specified circumstances, the power to decide that urgent action needs to be taken to protect the service providers infrastructure at the place.	19 July 2022			

### Division 3 – Power to restrict water supply

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Water Service Provider <u>outside the SEQ Region</u>	41(1) <sup>2</sup>	Power to consider it necessary, to restrict: (a) the volume of water taken by or supplied to a customer or type of customer; or (b) the hours when water may be used on premises for stated purposes; or (c) the way water may be used on premises.	19 July 2022			
Water Service Provider	41(3)	Power to apply a restriction imposed under section 41(1) to water taken from a rainwater tank connected to the service provider's reticulated supply.	19 July 2022			
Water Service Provider	43(1)	Power to give notice of a service provider water restriction to anyone affected by it in the way you consider appropriate having regard to the circumstances in which the service provider water restriction is imposed.	19 July 2022			
Water Service Provider	44(1)	Power to shut off a water supply to premises for a time reasonably necessary for work to be performed on the service provider's infrastructure, including a property service.	19 July 2022			
Water Service Provider	44(2)	In the specified circumstances, power to give to anyone likely to be affected by shutting off the water supply at least 48 hours notice of the intention to shut off the water supply, advising the reasons for shutting it off, and for how long it will be shut off.	19 July 2022			

<sup>2</sup> The power to impose such a restriction is only available if is made under one of the circumstances specified in Section 41(2).

Water Service Provider	44(3)	In the specified circumstances, power to shut off water supply, without notice, if there is: (a) a serious risk to public health; (b) a likelihood of serious injury to persons or damage to property; or (c) another emergency.	19 July 2022			
Water Service Provider	44(4)	In the specified circumstances power to give, to anyone likely to be affected by the action: (a) notice of the action; and (b) the reasons for the action; and (c) if the action is continuing when the notice is given - notice about how long the action will continue.	19 July 2022			

#### Division 4 – Authorised persons

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Service Provider	45(1)	Power to appoint a person to be an authorised person if: (a) satisfied the person has the necessary expertise or experience to be an authorised person; or (b) the person has satisfactorily finished training approved by the service provider.	19 July 2022			
Service Provider	45(2)	Power to be satisfied that the person: (a) can perform the functions of an authorised person safely; and (b) can, while performing those functions, mitigate any risks to public health and safety.	19 July 2022			

### Division 6 – Water efficiency management plans

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Water Service Provider	52(2)	Upon written direction of the Chief Executive, under section 52(1) power to give a customer, or type of customer, a written notice: (a) to prepare a plan (a <b>water efficiency management plan</b> ); and (b) to give it to the water service provider within the reasonable time stated by the Chief Executive.	19 July 2022			
Water Service Provider	52(3)(a)	In the specified circumstances, power to give a customer, or type of customer, a written notice, to prepare a plan (also a <b>water efficiency management plan</b> ).	19 July 2022			
Water Service Provider	52(3)(b)	Power to decide the reasonable period within which the customer, or type of customer, must provide the plan (also a <b>water efficiency management plan</b> ).	19 July 2022			
Water Service Provider	54(1)	For deciding whether or not to approve a water efficiency management plan, power to require the customer to give additional information about the plan within a reasonable period.	19 July 2022			
Water Service Provider	54(2)	Power to approve, with or without conditions, or refuse to approve a water efficiency management plan: (1) if additional information is not required – within 60 business days after receiving the plan; or (2) if additional information is required – within 60 business days of when the information is received or should	19 July 2022			

		have been given, whichever is earlier.				
Water Service Provider	54(3)	In the specified circumstances, power to give the customer an information notice.	19 July 2022			
Water Service Provider	54(5)	Power to extend the period of 20 business days mentioned in section 54(4).	19 July 2022			
Water Service Provider	57(2)	Upon the direction of the Chief Executive, power to give a customer, or type of customer, a written notice requiring the customer to: <ul style="list-style-type: none"> <li>(a) amend an approved water efficiency management plan and give it to the water service provider within the reasonable time stated by the Chief Executive; or</li> <li>(b) prepare a new water efficiency management plan and give it to the water service provider within the reasonable time stated by the Chief Executive.</li> </ul>	19 July 2022			
Water Service Provider	58(1)	Power to be satisfied that: <ul style="list-style-type: none"> <li>(a) for a customer, or a type of customer, production output or water consumption has increased significantly; or</li> <li>(b) the cost effectiveness of implementing an approved water efficiency management plan is likely to have changed significantly; or</li> <li>(c) there is or there is likely to be a severe water supply shortage.</li> </ul>	19 July 2022			
Water Service Provider	58(2)	Subject to being satisfied under section 58(1), power to give the customer a written notice requiring the customer to:	19 July 2022			

		(a) amend the plan and give it to the water service provider within the reasonable time stated by the water service provider; or (b) prepared a new water efficiency management plan and give it to the water service provider within the reasonable time stated by the water service provider.				
Water Service Provider	59(2)	Power to decide a request from a customer under section 59(1).	19 July 2022			
Water Service Provider	60(1)	Power to be satisfied or reasonably believe that a customer to whom an approved water efficiency management plan applies has not complied with the plan.	19 July 2022			
Water Service Provider	60(2)	In the specified circumstances, power to give the customer a notice, requiring the customer to comply with the plan within the reasonable time stated in the notice.	19 July 2022			
Water Service Provider	61(1)	Power to ensure a customer to whom an approved water efficiency management plan applies reviews the plan when the water service provider considers it appropriate.	19 July 2022			

## Part 4 – Service providers obligations

### Division 1 – Drinking water quality management

#### *Subdivision 2 – Drinking water quality management plans*

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Drinking Water	95(1)	Power to apply to the regulator for approval of a drinking water quality management plan.	19 July 2022			

Service Provider						
Drinking Water Service Provider	99A(1)	In certain circumstances, power to agree with the regulator to amend the providers approved drinking water quality management plan.	19 July 2022			
Drinking Water Service Provider	100(2)	Power to apply to the regulator for approval of a proposed amended drinking water quality management plan.	19 July 2022			
Drinking Water Service Provider	102(2)	Power to inform the regulator of noncompliance and the circumstances that gave rise to the noncompliance.	19 July 2022			
Drinking Water Service Provider	102(3)	Power to give the regulator notice of the following in the approved form: (a) the noncompliance and the circumstances that gave rise to the noncompliance; (b) any action taken, or to be taken, by the provider to correct the noncompliance; and (c) the measures the provider will take to prevent the noncompliance in the future.	19 July 2022			
Drinking Water Service Provider	102A(2)	In the specified circumstances, power to immediately inform the regulator of the prescribed incident.	19 July 2022			
Drinking Water Service Provider	102A(3)	In the specified circumstances, power to give the regulator notice of the following in the approved form: (a) the prescribed incident and the circumstances that gave rise to the incident;	19 July 2022			

		(b) any action taken, or to be taken, by the provider relating to the prescribed incident; and (c) the measures the provider will take to prevent the prescribed incident happening again in the future.				
Drinking Water Service Provider	103(2)	Power to give a notice to the owner of water storage or other infrastructure to ask the owner to give the drinking water service provider information reasonably requested about the quality of water in the water storage or infrastructure.	19 July 2022			
Service Provider	107(2)(b)	In the specified circumstances, power to apply to the regulator for approval of an amended plan.	19 July 2022			
Service provider	109(1)	Power to sign a statutory declaration on behalf of the service provider.	19 July 2022			

### Division 3 – Customer service standards

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Service Provider	115(3)	Power to consider submissions made to the provider about the proposed customer service standard.	19 July 2022			

### Division 5 – Reporting for particular financial years

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Service Provider	142(2)(a)	Power to prepare a drinking water quality management plan report.	19 July 2022			

Service Provider	142(2)(b)	Power to give the regulator a copy of the drinking water quality management plan report.	19 July 2022			
Relevant infrastructure owner	142C(2)	In the specified circumstances, power to provide written agreement to a drinking water quality management plan report.	19 July 2022			

### Division 6 – Water for fire fighting

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Service Provider	145(1)	Power to permit a person to take water from a fire fighting system or a service provider's hydrant.	19 July 2022			

## Part 5 – Service areas

### Division 3 – Access to services in service areas

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Service Provider	166(3)	In the specified circumstances, power to impose conditions on the installation of water storage tanks and pumps.	19 July 2022			

### Division 4 – Connecting to particular registered services

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Service Provider	167(2)	In the specified circumstances, power to advise an owner of any work that is considered reasonably necessary to be	19 July 2022			

		carried out on premises and any reasonable connection fee to enable the premises to be connected to the infrastructure.				
Service Provider	168(1)	Power to, by notice given to the owner of premises in the service area, require the owner to carry out works for connecting the premises to a registered service.	19 July 2022			
Service Provider	168(2)(c)	In the specified circumstances, power to agree to an extension of the period within which the work must be completed.	19 July 2022			

#### Division 5 – Restricting domestic water supply

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Service Provider	169(1)	Power to give a notice to an owner or occupier of domestic premises not to contravene a restriction or to pay a rate or charge for a service.	19 July 2022			
Service Provider	169(2)	Power to decide the minimum level of water necessary for the health and sanitation purposes of the owner or occupier.	19 July 2022			

#### Part 6 – Trade waste and seepage water approvals

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Sewerage Service Provider	180(1)	In the specified circumstances, power to give a person: (a) an approval to discharge trade waste (a <b>trade waste approval</b> ) into Council's sewerage infrastructure; and	19 July 2022			

		(b) an approval to discharge seepage water (a <b>seepage water approval</b> ) into Council's sewerage infrastructure.				
Sewerage Service Provider	180(3)	Power to consider the effect of the proposed discharge on any existing or potential re-use of waste water or sludge.	19 July 2022			
Sewerage Service Provider	180(4)	Power to be satisfied: (a) having regard to the amount, type and strength of the proposed discharge, the discharge will not harm the sewerage or the health and safety of anyone working on the sewerage; and (b) the sewage treatment plant to treat the discharge is capable of treating the discharge to an acceptable standard.	19 July 2022			
Sewerage Service Provider	180(5)	In the specified circumstances, power to be satisfied the proposed discharge into the sewerage is consistent with the plan.	19 July 2022			
Sewerage Service Provider	181(1)	Power to give a trade waste approval or seepage water approval on conditions.	19 July 2022			
Sewerage Service Provider	182	Power to suspend or cancel a trade waste approval or a seepage water approval (the <b>proposed action</b> ) if satisfied any of the specified circumstances applies.	19 July 2022			
Sewerage Service Provider	183(1)	In the specified circumstances, power to give an approval holder a show cause notice about the proposed action.	19 July 2022			
Sewerage Service Provider	183(2)	Power to consider submissions made in response to a show cause notice, to be satisfied the proposed action should be taken, and then to:	19 July 2022			

		<p>(a) if the proposed action was to suspend the approval for a stated period - suspend the approval for not longer the proposed suspension period; or</p> <p>(b) if the proposed action was to cancel the approval - either cancel the approval or suspend it for a period.</p>				
Sewerage Service Provider	183(3)	In the specified circumstances, power to give the approval holder an information notice about the decision.	19 July 2022			
Sewerage Service Provider	183(4)	Power to consider any submissions and, if not satisfied the proposed action should be taken, the power to give the approval holder a notice about the decision.	19 July 2022			
Sewerage Service Provider	184(1)	<p>In the specified circumstances, power to suspend or cancel an approval without giving a show cause notice, if further action is considered necessary:</p> <p>(a) in the interests of public health or safety; or</p> <p>(b) to prevent environmental harm; or</p> <p>(c) to prevent damage to Council's sewerage system.</p>	19 July 2022			
Sewerage Service Provider	184(2)	In the specified circumstances, power to cancel a trade waste approval given by the sewerage service provider.	19 July 2022			
Sewerage Service Provider	184(3)	In the specified circumstances, power to give the approval holder an information notice about the action.	19 July 2022			
Sewerage Service Provider	185(2)	Power to give a notice to the approval holder to amend a trade waste approval to ensure that it is consistent with conditions mentioned in section 185(1)(a).	19 July 2022			

**Part 7 – Offences**

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Service Provider	191	Power to give written consent to a person connecting to, or disconnecting from, the service provider's infrastructure.	19 July 2022			
Service Provider	192(1)	Power to give written consent to a person interfering with a service provider's infrastructure.	19 July 2022			
Service Provider	192(2)	Power to give written consent to a person building over, interfering with access to, increasing or reducing the cover over, or changing the surface of land in any way causing ponding of water over an access chamber for, a service provider's infrastructure.	19 July 2022			
Service Provider	193(3)	Power to give written consent to a person discharging water from an ornamental pond, a swimming pool or the filtration system of a swimming pool into a service provider's infrastructure.	19 July 2022			
Service Provider	195(1)	Power to give written approval to a person taking water from a service provider's infrastructure.	19 July 2022			
Service Provider	195(2)	In the specified circumstances, power to give written approval to a person taking water from a supply pipe on premises for use off the premises.	19 July 2022			

## CHAPTER 3 – RECYCLED WATER MANAGEMENT

### Part 1A – Recycled water schemes

#### Division 1 – Registration

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Relevant entity for a recycled water scheme	196AA(1)	Power to apply for registration of the scheme.	19 July 2022			

#### Division 2 – Changing registration details

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Relevant entity for a recycled water scheme which is registered under Chapter 3, Part 1A, Division 2	196AD(1)	Power to apply to change the details of the registration recorded in the register.	19 July 2022			
Relevant entity for a recycled water scheme which is	196AE(1)	Power to apply to cancel the registration if the recycled water is no longer supplied under the scheme.	19 July 2022			

registered under Chapter 3, Part 1A, Division 2						
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**Part 2 – Recycled water management planning**

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Recycled Water Provider	202(1)	Power to apply to the regulator for approval of a recycled water management plan.	19 July 2022			
Recycled Water Provider	203(1)(b)	Power to sign a statutory declaration verifying the information included in the plan, or any additional information given under section 203(1)(a).	19 July 2022			
Recycled Water Provider	208(2)	Power to give regulator notice of a stoppage or proposed stoppage of the production or supply of recycled water, in accordance with the circumstances of that section.	19 July 2022			
Recycled Water Provider	208(5)	Power to, as soon as practicable, give the regulator notice of the stoppage or proposed stoppage of the production or supply of recycled water under a scheme and otherwise in the circumstances of that section.	19 July 2022			
Recycled Water Provider	209(1)	Power to obtain the regulator's agreement to amend the recycled water management plan for the scheme.	19 July 2022			
Recycled Water Provider	212(2)	Power to apply to the regulator for approval of the proposed amended recycled water management plan.	19 July 2022			

Recycled Water Provider	212(3)	Power to exercise the delegable powers (if any) contained in sections 202(2), (3) and (4), and sections 203 to 208 as if a reference in the sections to: (a) the recycled water management plan were a reference to the amended recycled water management plan; and (b) the plan were a reference to the amended plan.	19 July 2022			
Relevant entity for the recycled water scheme	215(1)	If a recycled water management plan has been suspended, power to apply to the regulator for an approval to resume supply of recycled water under the scheme.	19 July 2022			
Recycled Water Provider	215(3)	Power to exercise the delegable powers (if any) contained in sections 203 and 204 as if a reference in the sections to: (a) the recycled water management plan were a reference to the suspended recycled water management plan; and (b) the plan were a reference to the suspended plan.	19 July 2022			
Recycled Water Provider	215(7)	Power to exercise the delegable powers (if any) contained in sections 202(2), (3) and (4), and sections 203 to 208 as if a reference in the sections to: (a) the recycled water management plan were a reference to the amended recycled water management plan; and (b) the plan were a reference to the amended plan.	19 July 2022			

**Part 3 – Notice about permanently stopping supply of recycled water**

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Recycled Water Provider	230(2)	Power to give a notice to the regulator of a proposed stoppage at least 30 days before the supply of recycled water is stopped.	19 July 2022			
Relevant entity for the critical recycled water scheme (if relevant)	230(4)	Power to give the regulator notice of the proposed stoppage at least 60 days before supply of the recycled water is stopped.	19 July 2022			
Relevant entity for the critical recycled water scheme (if relevant)	230(6)(b)	Power to sign a statutory declaration verifying the information included in the notice, or any additional information given under section 230(6)(a).	19 July 2022			
Recycled Water Provider	230(9)	Power to give the regulator notice of a stoppage of recycled water under recycled water scheme within 5 days after the supply stops.	19 July 2022			

## Part 4 – Validation Programs

[This part applies to a recycled water scheme if recycled water is proposed to be supplied under the scheme to augment a supply of drinking water.]

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Recycled Water Provider	237(1)	Power to apply to the regulator for approval of a validation program.	19 July 2022			
Relevant entity for the critical recycled water scheme (if relevant)	238(1)(b)	Power to sign a statutory declaration verifying the information included in the program, or any additional information given under section 238(1)(a).	19 July 2022			
Relevant Entity	242(2)	Power to apply to the regulator for approval of the proposed amended validation program.	19 July 2022			
Recycled Water Provider	242(3)	Power to exercise the delegable powers (if any) contained in sections 237(2) and sections 238 to 241 as if a reference in the sections to:  (a) the validation program were a reference to the amended validation program; and  (b) the program were a reference to the amended program.	19 July 2022			

**Part 6 – Reviews and audits of recycled water management plans**

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Recycled Water Provider	259(2)(b)	In the specified circumstances, power to apply to the regulator for approval of the amended plan.	19 July 2022			
Scheme Manager	259(4)	In the specified circumstances, power to apply to the regulator for approval of the amended recycled water management plan for the scheme.	19 July 2022			
Recycled Water Provider	259(6)	Power to exercise the delegable powers (if any) contained in sections 202(2), (3) and (4), and sections 203 to 208 as if a reference in the sections to: (a) the recycled water management plan were a reference to the amended recycled water management plan; and (b) the plan were a reference to the amended plan.	19 July 2022			

**Part 7 – Reporting requirements**

**Division 4 – Connecting to registered services**

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Alerting entity	270(2)	In the specified circumstances, power to immediately inform the regulator and, if another entity is the responsible entity for the noncompliance, the responsible entity, of the	19 July 2022			

		noncompliance and the circumstances that gave rise to the noncompliance.				
Responsible entity for the non-compliance	270(4)	<p>Power to give the regulator notice of the following:</p> <ul style="list-style-type: none"> <li>(a) the noncompliance and the circumstances that gave rise to the noncompliance;</li> <li>(b) any action taken, or to be taken, by the entity to correct the noncompliance; and</li> <li>(c) the measures the entity will take to prevent the noncompliance in the future.</li> </ul>	19 July 2022			
Alerting entity	271(2)	In the specified circumstances, power to immediately inform the regulator and, if another entity is the responsible entity for prescribed incident, the responsible entity, of the prescribed incident.	19 July 2022			
Alerting entity	271(4)	<p>In the specified circumstances, power to give the regulator notice of:</p> <ul style="list-style-type: none"> <li>(a) the prescribed incident and the circumstances that gave rise to the prescribed incident;</li> <li>(b) any action taken, or to be taken, by the entity relating to the prescribed incident; and</li> <li>(c) the measures the entity will take to prevent the prescribed incident happening again in the future.</li> </ul>	19 July 2022			

**Part 8 – Declaration of critical recycled water schemes**

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Entity to whom a notice of the regulator's intention to make a decision	303(4)(e)	Power to give the regulator a notice about who the provider and entities agree is the scheme manager.	19 July 2022			
Relevant entity for a critical recycled water scheme	306(1)	Power to considers the scheme should not be a critical recycled water scheme, and to ask the regulator to review the making of the declaration.	19 July 2022			
Recycled water providers / entity declared to be part of the scheme	307(2)	In the specified circumstances, power to give the regulator notice of who is the scheme manager.	19 July 2022			

**Part 10 – Miscellaneous**

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Scheme manager for a multiple-entity recycled	333(2)	In the specified circumstances, power to, by notice, require a recycled water provider or other declared entity for the scheme to give the scheme manager, within a stated reasonable period, information the scheme manager reasonably requires to comply with	19 July 2022			

water scheme		the scheme manager's obligations under this Act.				
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## CHAPTER 4 – REFERABLE DAMS AND FLOOD AND DROUGHT MITIGATION

### Part 1 – Referrable dams

#### Division 2A – Emergency action planning and reporting

##### *Subdivision 1 – Preliminary*

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Owner of a referable dam	352F	Power to prepare an emergency action plan for a dam under subdivision 3 and to give it to the Chief Executive for approval.	19 July 2022			

##### *Subdivision 3 – Preparation of emergency actions plans*

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	352HB(1)	Power to assess and decide whether the emergency action plan is consistent with its disaster management plan.	19 July 2022			
Local Government	352HB(2)	Power to consult with its local group for the plan.	19 July 2022			

***Subdivision 6 – Reviewing emergency action plans***

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Owner of a referable dam	352O(2)(c)(ii)	Power to give an emergency action plan for a dam to the Chief Executive.	19 July 2022			
Owner of a referable dam	352P	<p>The power, before 1 October each year to:</p> <p>(a) review the approved emergency action plan for the dam; and</p> <p>(b) give to the Chief Executive:</p> <p>(i) a notice stating whether or not the owner proposes an amendment to the plan because of the review; and</p> <p>(ii) if the owner proposes an amendment – a copy of the plan including the proposed amendment.</p>	19 July 2022			

***Subdivision 7 – Amending emergency action plans***

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Owner of a referable dam	352Q(1)	<p>Power to ask the Chief Executive to amend the approved emergency action plan for the dam to:</p> <p>7.1 correct a minor error; or</p> <p>7.2 make another change that is not a change of substance.</p>	19 July 2022			

**Subdivision 9 – Emergency event reporting**

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Owner of referable dam	352T(2)	Power to prepare a report (an <b>emergency event report</b> ) and to give it to the Chief Executive.	19 July 2022			
Owner of referable dam	352T(2)(a)	Power to consider when the dam hazard giving rise to the event is no longer a material risk to persons or property.	19 July 2022			
Owner of referable dam	352T(2)(b)	Power to agree a further period in writing with the Chief Executive.	19 July 2022			
Owner of referable dam	352U(3)	Power to prepare a report (an <b>emergency event interim report</b> ) and to give it to the Chief Executive officer in accordance with section 352U(2).	19 July 2022			

**Division 3 – Safety conditions for existing referable dams**

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Owner of a referable dam	354(3)(b)	Power to agree with the Chief Executive, an extended period for deciding safety conditions.	19 July 2022			

***Subdivision 2 – Chief Executive may give direction or take action about failure of dam***

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Owner of land on which a dam is situated / operator of a dam	359(3)	Power to comply with a notice issued under section 359(1).	19 July 2022			
Owner of land on which a dam is situated / operator of a dam	359(4)	Power to give to the Chief Executive officer, a notice that the person intends to remove the dam.	19 July 2022			

**Part 2 – Flood mitigation manuals and reporting**  
**Division 2 – Preparation of flood mitigation manuals**

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Owner of a referable dam	371C	Power to prepare a flood mitigation manual for a dam under division 2 and to give it to the minister for approval.	19 July 2022			

### Division 3 – Approving flood mitigation manuals

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Owner of a referable dam	371H(2)	Power to prepare a new flood mitigation manual and give it to the minister in compliance with a notice given under section 371H.	19 July 2022			

### Division 4 – Amending and reviewing flood mitigation manuals

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Owner of a referable dam	372(2)	Power to amend a flood mitigation manual for a dam in compliance with a notice issued under section 372(1).	19 July 2022			
Owner of a referable dam	373	Power to: (a) review and, if necessary, update a flood mitigation manual; and (b) give a copy of it to the minister for the minister's approval under division 3.	19 July 2022			

### Division 5 – Renewing flood mitigation manuals

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Owner of a referable dam	374(2)	Power to prepare a new flood mitigation manual for a dam and give it to the minister for approval.	19 July 2022			

### Division 6 – Annual preparedness report

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Owner of a referable dam	375	<p>Power to after 1 August and before 1 September each year:</p> <p>(a) prepare a report (an annual preparedness report) under division 6 about the level of preparedness of the dam for a flood event under a flood mitigation manual; and</p> <p>(b) give the report to the Chief Executive.</p>	19 July 2022			

### Division 8 – Authorising alternative operational procedures

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Owner of a referable dam	378	<p>Power to reasonably consider that:</p> <p>(a) an operational strategy under a flood mitigation manual for a dam does not provide or adequately provide for the flood event;</p> <p>(b) to achieve an objective under the flood mitigation manual and to respond effectively to a flood event that is necessary to:</p> <p>(i) disregard an operational procedure under the manual (the <b>existing procedure</b>); and</p>	19 July 2022			

		(ii) observe a different operational procedure (the <b>alternative procedure</b> ).				
Owner of a referable dam	379(1)	Power to give the Chief Executive the information referred to in that section (the <b>authorisation request information</b> ).	19 July 2022			
Owner of a referable dam	379(2)	Power to give the Chief Executive the authorisation to request information orally.	19 July 2022			
Owner of a referable dam	379(3)	Power to give the authorisation request information in writing as soon as practicable after giving the Chief Executive the information orally.	19 July 2022			
Owner of a referable dam	381(1)	Power to make reasonable efforts to contact the Chief Executive to give the Chief Executive the authorisation request information for the alternative procedure.	19 July 2022			
Owner of a referable dam	381(4)	Power to, as soon as practicable after failing to contact, or losing contact with, the Chief Executive, record the authorisation request information in writing and give it to the Chief Executive.	19 July 2022			
Owner of a referable dam	381(6)	Power to form the reasonable belief that the Chief Executive is no longer able to respond to the owner for the purpose of subsection (2).	19 July 2022			

### Division 9 – Flood event reporting

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Owner of a referable dam	383(2)	Power to prepare a report (a <b>flood event report</b> ) under division 9 and give it to the Chief Executive.	19 July 2022			

Owner of a referable dam	383(2)(b)	Power to agree to a further period in writing with the Chief Executive.	19 July 2022			
Owner of a referable dam	384(3)	Power to comply with a notice given to the owner of the dam under section 384(2).	19 July 2022			

#### Part 4 – Reducing full supply level for safety purposes

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Dam Owner	399B(1)	Power to form the belief, based on the advice of a registered professional engineer, that there is an unacceptable risk of a failure of a dam if it operates at the full supply level stated in the resource operations licence for the dam.	19 July 2022			
Owner	399B(2)	Power to reduce the full supply level of the dam to the level (the <b>reduced full supply level</b> ) that lowers the risk of a failure of the dam to a level acceptable to the owner, having regard to the advice of the registered professional engineer.	19 July 2022			
Owner	399B(4)	Power to consider and include in a notice: 7.3 the reasons why it is necessary to operate the dam at the reduced full supply level; and 7.4 the period for which it is necessary to operate the dam at the reduced supply level.	19 July 2022			
Owner	399C(3)(a)	Power to decide and include in a report when the owner intends to allow the dam to return to the full supply level stated in the resource operations licence for the dam.	19 July 2022			
Service Provider	399C(3)(b)	Power to consider and decide and include in a report:	19 July 2022			

		i. the impacts the reduced full supply level has had on the provider's customers since its reduction; ii. the likely future impacts on customers for the period for which the provider proposes to keep the dam at a reduced full supply level; and iii. the impacts the reduced full supply level has had or is likely to have on achieving the water plan outcomes for a water plan under the Water Act.				
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## CHAPTER 5 – INVESTIGATIONS AND ENFORCEMENT MATTERS

### Part 5A – Particular provisions to monitor relevant service providers

#### Division 2 – Improvement plans

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Service Provider	446(2)	Power to make an improvement plan.	19 July 2022			
Service Provider	447	Power to make an improvement plan.	19 July 2022			

### Part 8 – Notices of cost recovery

#### Division 1 – Show cause notices

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person given a show cause	463(1)(d)	Power to make submissions about the show cause notice.	19 July 2022			

notice, or a copy of a show cause notice						
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### Part 9 – Enforcement proceeding

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Service Provider	475(2)(b) and (c)	Power to start a proceeding for a stated provision.	19 July 2022			
Service Provider	475(5)	Power to give the Chief Executive notice of the proceeding.	19 July 2022			
Service Provider	476(1)	Power to commence a proceeding for an enforcement order on behalf of the service provider.	19 July 2022			

## CHAPTER 6 – OFFENCES, EVIDENTIARY MATTERS AND LEGAL PROCEEDINGS

### Part 3 – Legal proceedings for offences

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person / Service Provider	496	Power to give notice to the Chief Executive of a proceeding.	19 July 2022			
Person	498(1)	Power to commence a proceeding on behalf of the service provider.	19 July 2022			

## CHAPTER 7 – REVIEWS, APPEALS AND ARBITRATION

### Part 1 – Preliminary

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Interested person for an original decision	512(1)	Power to apply for an internal review of an original decision.	19 July 2022			
Recipient of a submitter notice	513(3)	Power to make written submissions on the internal review application to the reviewer.	19 July 2022			

### Part 3 – Appeals and external reviews

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Interested person who applied for an internal review of the original decision	517(1)	Power to appeal against or apply for an external review of the review decision under this section.	19 July 2022			

### Part 4 – Arbitration

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Interested person who applied an	524(2)	Power to, if dissatisfied with a decision, give the authority under the <i>Queensland Competition Authority Act 1997</i> a notice (a	19 July 2022			

internal review of the original decision		<b>dispute notice</b> ) applying for arbitration on the decision.				
Application for arbitration	524A(2)	Power to apply for a stay of a review decision to a Court with jurisdiction to hear the proceeding.	19 July 2022			
Interested person who gave dispute notice	526	Power to withdraw the dispute notice at any time before the authority makes its decision on the dispute.	19 July 2022			

## CHAPTER 8 – MISCELLANEOUS

### Part 2 – Relationship with Planning Act

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person	562(2)	Power to appeal against a decision about the application to the Land Court.	19 July 2022			

### Part 3 – Other miscellaneous provisions

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Water Service Provider	573	Power to make guidelines to provide guidance to persons about preparing a water efficiency management plan.	19 July 2022			
Water Service Provider	575(2)(a)	Power to consider that the information in the document is cybersecurity information.	19 July 2022			

Water Service Provider	575(2A)	Power to consider whether it is appropriate to keep a copy of the document available for inspection by the public at other places.	19 July 2022			
Water Service Provider	575A(2)	Power to consider that information in the document is cybersecurity information.	19 July 2022			

## CHAPTER 10 – OTHER TRANSITIONAL PROVISIONS

### Part 8 – Transitional provisions for *Electricity and Other Legislation Amendment Act 2014*

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	670(2)	Power to amend the CSG environmental authority to include public health conditions.	19 July 2022			
Administering Authority	670(3)	Power to consider an amendment necessary or desirable.	19 July 2022			
Administering Authority	671(2)	Power to amend the CSG environmental authority to include public health conditions.	19 July 2022			
Administering Authority	671(3)(a)	Power to consider the amendment necessary or desirable.	19 July 2022			

[2021 10 20 - WSSR - Delegation Table]

**Torres Strait Island Regional Council**  
***Water Supply (Safety and Reliability) Act 2008 ("WSSR")***

**James William**  
Chief Executive Officer  
**Torres Strait Island Regional Council**

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

## POWERS SUB-DELEGATED

### *Water Supply (Safety and Reliability) Act 2008 ("WSSR")*

#### CHAPTER 2 – INFRASTRUCTURE AND SERVICE

##### Part 3 – Service providers

##### Division 1 – Regulation of service providers

##### *Subdivision 1 – Application for registration*

Entity power given to	Section of WSSR	Description
Service Provider	20(1)	Power to apply for registration as a service provider.
Relevant Infrastructure Owner	21(1)(c)(ii)	Power to give written consent.

##### *Subdivision 2 – Changing registration details*

Entity power given to	Section of WSSR	Description
Water Service Provider	23(1)	Power to apply to change the service provider's details of registration in the service provider register.
Water Service Provider	23A(2)	In the specified circumstances, power to give the regulator notice of the change in the approved form.

##### *Subdivision 3 – Transferring registration*

Entity power given to	Section of WSSR	Description
Current Infrastructure Owner	25A(1)	In the specified circumstances, power to give the regulator notice (the <b>transfer notice</b> ) of the proposed transfer.

##### *Subdivision 4 – Cancelling registration other than for transfer*

Entity power given to	Section of WSSR	Description
Water Service Provider	26(2)	Power to give notice of the possible stoppage.
Water Service Provider	26(8)	In the specified circumstances, power to give notice of the stoppage.
Water Service Provider	28(1)	In the specified circumstances, power to apply to the regulator to have the provider's registration cancelled.
Water Service Provider	28(4)(b)	In the specified circumstances, power to verify information included in the application, or the additional information provided under section 28(4)(a), by statutory declaration.

## Division 2 – General powers of service providers and authorised persons

Entity power given to	Section of WSSR	Description
Water Service Provider	33(2)	In the specified circumstances, power to give a person a notice asking the person stated in the notice, why the person's unauthorised connection should not be disconnected.
Water Service Provider	33(4)	In the specified circumstances, power to be satisfied regarding whether an unauthorised connection should be disconnected.
Water Service Provider	34(2)	In the specified circumstances, power to give an owner a notice to do work within a reasonable time stated in the notice, to: (a) rectify the equipment; or (b) remove the vegetation or other thing.
Water Service Provider	35(1)	Power to decide the position of a meter on infrastructure supplying water to premises, and to approve the installation of that meter in the position decided.
Water Service Provider	36(2)(b)	In the specified circumstances, power to give an occupier at least 14 days notice of the entry and the purpose of the entry.
Water Service Provider	36(2)(c)	In the specified circumstances, the power to decide that urgent action needs to be taken to protect the service providers infrastructure at the place.

## Division 3 – Power to restrict water supply

Entity power given to	Section of WSSR	Description
Water Service Provider <u>outside the SEQ Region</u>	41(1) <sup>3</sup>	Power to consider it necessary, to restrict: (a) the volume of water taken by or supplied to a customer or type of customer; or (b) the hours when water may be used on premises for stated purposes; or (c) the way water may be used on premises.
Water Service Provider	41(3)	Power to apply a restriction imposed under section 41(1) to water taken from a rainwater tank connected to the service provider's reticulated supply.
Water Service Provider	43(1)	Power to give notice of a service provider water restriction to anyone affected by it in the way you consider appropriate having regard to the circumstances in which the service provider water restriction is imposed.
Water Service Provider	44(1)	Power to shut off a water supply to premises for a time reasonably necessary for work to be performed on the service provider's infrastructure, including a property service.
Water Service Provider	44(2)	In the specified circumstances, power to give to anyone likely to be affected by shutting off the water supply at least 48 hours notice of the intention to shut off the water supply, advising the reasons for shutting it off, and for how long it will be shut off.
Water Service Provider	44(3)	In the specified circumstances, power to shut off water supply, without notice, if there is: (a) a serious risk to public health;

<sup>3</sup> The power to impose such a restriction is only available if it is made under one of the circumstances specified in Section 41(2).

		<p>(b) a likelihood of serious injury to persons or damage to property; or</p> <p>(c) another emergency.</p>
Water Service Provider	44(4)	<p>In the specified circumstances power to give, to anyone likely to be affected by the action:</p> <p>(a) notice of the action; and</p> <p>(b) the reasons for the action; and</p> <p>(c) if the action is continuing when the notice is given - notice about how long the action will continue.</p>

#### Division 4 – Authorised persons

Entity power given to	Section of WSSR	Description
Service Provider	45(1)	<p>Power to appoint a person to be an authorised person if:</p> <p>(a) satisfied the person has the necessary expertise or experience to be an authorised person; or</p> <p>(b) the person has satisfactorily finished training approved by the service provider.</p>
Service Provider	45(2)	<p>Power to be satisfied that the person:</p> <p>(a) can perform the functions of an authorised person safely; and</p> <p>(b) can, while performing those functions, mitigate any risks to public health and safety.</p>

#### Division 6 – Water efficiency management plans

Entity power given to	Section of WSSR	Description
Water Service Provider	52(2)	<p>Upon written direction of the Chief Executive, under section 52(1) power to give a customer, or type of customer, a written notice:</p> <p>(a) to prepare a plan (a <b><i>water efficiency management plan</i></b>); and</p> <p>(b) to give it to the water service provider within the reasonable time stated by the Chief Executive.</p>
Water Service Provider	52(3)(a)	<p>In the specified circumstances, power to give a customer, or type of customer, a written notice, to prepare a plan (also a <b><i>water efficiency management plan</i></b>).</p>
Water Service Provider	52(3)(b)	<p>Power to decide the reasonable period within which the customer, or type of customer, must provide the plan (also a <b><i>water efficiency management plan</i></b>).</p>
Water Service Provider	54(1)	<p>For deciding whether or not to approve a water efficiency management plan, power to require the customer to give additional information about the plan within a reasonable period.</p>
Water Service Provider	54(2)	<p>Power to approve, with or without conditions, or refuse to approve a water efficiency management plan:</p> <p>(1) if additional information is not required – within 60 business days after receiving the plan; or</p> <p>(2) if additional information is required – within 60 business days of when the information is received or should have been given, whichever is earlier.</p>

Water Service Provider	54(3)	In the specified circumstances, power to give the customer an information notice.
Water Service Provider	54(5)	Power to extend the period of 20 business days mentioned in section 54(4).
Water Service Provider	57(2)	Upon the direction of the Chief Executive, power to give a customer, or type of customer, a written notice requiring the customer to: <ul style="list-style-type: none"> <li>(a) amend an approved water efficiency management plan and give it to the water service provider within the reasonable time stated by the Chief Executive; or</li> <li>(b) prepare a new water efficiency management plan and give it to the water service provider within the reasonable time stated by the Chief Executive.</li> </ul>
Water Service Provider	58(1)	Power to be satisfied that: <ul style="list-style-type: none"> <li>(a) for a customer, or a type of customer, production output or water consumption has increased significantly; or</li> <li>(b) the cost effectiveness of implementing an approved water efficiency management plan is likely to have changed significantly; or</li> <li>(c) there is or there is likely to be a severe water supply shortage.</li> </ul>
Water Service Provider	58(2)	Subject to being satisfied under section 58(1), power to give the customer a written notice requiring the customer to: <ul style="list-style-type: none"> <li>(a) amend the plan and give it to the water service provider within the reasonable time stated by the water service provider; or</li> <li>(b) prepared a new water efficiency management plan and give it to the water service provider within the reasonable time stated by the water service provider.</li> </ul>
Water Service Provider	59(2)	Power to decide a request from a customer under section 59(1).
Water Service Provider	60(1)	Power to be satisfied or reasonably believe that a customer to whom an approved water efficiency management plan applies has not complied with the plan.
Water Service Provider	60(2)	In the specified circumstances, power to give the customer a notice, requiring the customer to comply with the plan within the reasonable time stated in the notice.
Water Service Provider	61(1)	Power to ensure a customer to whom an approved water efficiency management plan applies reviews the plan when the water service provider considers it appropriate.

#### **Part 4 –**

#### **Service providers obligations**

#### **Division 1 – Drinking water quality management**

#### ***Subdivision 2 – Drinking water quality management plans***

<b>Entity power given to</b>	<b>Section of WSSR</b>	<b>Description</b>
Drinking Water Service Provider	95(1)	Power to apply to the regulator for approval of a drinking water quality management plan.
Drinking Water Service Provider	99A(1)	In certain circumstances, power to agree with the regulator to amend the providers approved drinking water quality management plan.

Drinking Water Service Provider	100(2)	Power to apply to the regulator for approval of a proposed amended drinking water quality management plan.
Drinking Water Service Provider	102(2)	Power to inform the regulator of noncompliance and the circumstances that gave rise to the noncompliance.
Drinking Water Service Provider	102(3)	Power to give the regulator notice of the following in the approved form: (a) the noncompliance and the circumstances that gave rise to the noncompliance; (b) any action taken, or to be taken, by the provider to correct the noncompliance; and (c) the measures the provider will take to prevent the noncompliance in the future.
Drinking Water Service Provider	102A(2)	In the specified circumstances, power to immediately inform the regulator of the prescribed incident.
Drinking Water Service Provider	102A(3)	In the specified circumstances, power to give the regulator notice of the following in the approved form: (a) the prescribed incident and the circumstances that gave rise to the incident; (b) any action taken, or to be taken, by the provider relating to the prescribed incident; and (c) the measures the provider will take to prevent the prescribed incident happening again in the future.
Drinking Water Service Provider	103(2)	Power to give a notice to the owner of water storage or other infrastructure to ask the owner to give the drinking water service provider information reasonably requested about the quality of water in the water storage or infrastructure.
Service Provider	107(2)(b)	In the specified circumstances, power to apply to the regulator for approval of an amended plan.
Service provider	109(1)	Power to sign a statutory declaration on behalf of the service provider.

### Division 3 – Customer service standards

Entity power given to	Section of WSSR	Description
Service Provider	115(3)	Power to consider submissions made to the provider about the proposed customer service standard.

### Division 5 – Reporting for particular financial years

Entity power given to	Section of WSSR	Description
Service Provider	142(2)(a)	Power to prepare a drinking water quality management plan report.
Service Provider	142(2)(b)	Power to give the regulator a copy of the drinking water quality management plan report.
Relevant infrastructure owner	142C(2)	In the specified circumstances, power to provide written agreement to a drinking water quality management plan report.

### Division 6 – Water for fire fighting

Entity power given to	Section of WSSR	Description
Service Provider	145(1)	Power to permit a person to take water from a fire fighting system or a service provider's hydrant.

### Part 5 – Service areas

#### Division 3 – Access to services in service areas

Entity power given to	Section of WSSR	Description
Service Provider	166(3)	In the specified circumstances, power to impose conditions on the installation of water storage tanks and pumps.

#### Division 4 – Connecting to particular registered services

Entity power given to	Section of WSSR	Description
Service Provider	167(2)	In the specified circumstances, power to advise an owner of any work that is considered reasonably necessary to be carried out on premises and any reasonable connection fee to enable the premises to be connected to the infrastructure.
Service Provider	168(1)	Power to, by notice given to the owner of premises in the service area, require the owner to carry out works for connecting the premises to a registered service.
Service Provider	168(2)(c)	In the specified circumstances, power to agree to an extension of the period within which the work must be completed.

#### Division 5 – Restricting domestic water supply

Entity power given to	Section of WSSR	Description
Service Provider	169(1)	Power to give a notice to an owner or occupier of domestic premises not to contravene a restriction or to pay a rate or charge for a service.
Service Provider	169(2)	Power to decide the minimum level of water necessary for the health and sanitation purposes of the owner or occupier.

### Part 6 – Trade waste and seepage water approvals

Entity power given to	Section of WSSR	Description
Sewerage Service Provider	180(1)	In the specified circumstances, power to give a person: (a) an approval to discharge trade waste (a <b>trade waste approval</b> ) into Council's sewerage infrastructure; and (b) an approval to discharge seepage water (a <b>seepage water approval</b> ) into Council's sewerage infrastructure.
Sewerage Service Provider	180(3)	Power to consider the effect of the proposed discharge on any existing or potential re-use of waste water or sludge.
Sewerage Service Provider	180(4)	Power to be satisfied: (a) having regard to the amount, type and strength of the proposed discharge, the discharge will not harm the

		sewerage or the health and safety of anyone working on the sewerage; and (b) the sewage treatment plant to treat the discharge is capable of treating the discharge to an acceptable standard.
Sewerage Service Provider	180(5)	In the specified circumstances, power to be satisfied the proposed discharge into the sewerage is consistent with the plan.
Sewerage Service Provider	181(1)	Power to give a trade waste approval or seepage water approval on conditions.
Sewerage Service Provider	182	Power to suspend or cancel a trade waste approval or a seepage water approval (the <b>proposed action</b> ) if satisfied any of the specified circumstances applies.
Sewerage Service Provider	183(1)	In the specified circumstances, power to give an approval holder a show cause notice about the proposed action.
Sewerage Service Provider	183(2)	Power to consider submissions made in response to a show cause notice, to be satisfied the proposed action should be taken, and then to: (a) if the proposed action was to suspend the approval for a stated period - suspend the approval for not longer the proposed suspension period; or (b) if the proposed action was to cancel the approval - either cancel the approval or suspend it for a period.
Sewerage Service Provider	183(3)	In the specified circumstances, power to give the approval holder an information notice about the decision.
Sewerage Service Provider	183(4)	Power to consider any submissions and, if not satisfied the proposed action should be taken, the power to give the approval holder a notice about the decision.
Sewerage Service Provider	184(1)	In the specified circumstances, power to suspend or cancel an approval without giving a show cause notice, if further action is considered necessary: (a) in the interests of public health or safety; or (b) to prevent environmental harm; or (c) to prevent damage to Council's sewerage system.
Sewerage Service Provider	184(2)	In the specified circumstances, power to cancel a trade waste approval given by the sewerage service provider.
Sewerage Service Provider	184(3)	In the specified circumstances, power to give the approval holder an information notice about the action.
Sewerage Service Provider	185(2)	Power to give a notice to the approval holder to amend a trade waste approval to ensure that it is consistent with conditions mentioned in section 185(1)(a).

## Part 7 – Offences

Entity power given to	Section of WSSR	Description
Service Provider	191	Power to give written consent to a person connecting to, or disconnecting from, the service provider's infrastructure.
Service Provider	192(1)	Power to give written consent to a person interfering with a service provider's infrastructure.
Service Provider	192(2)	Power to give written consent to a person building over, interfering with access to, increasing or reducing the cover over, or changing the surface of land in any way causing ponding of

		water over an access chamber for, a service provider's infrastructure.
Service Provider	193(3)	Power to give written consent to a person discharging water from an ornamental pond, a swimming pool or the filtration system of a swimming pool into a service provider's infrastructure.
Service Provider	195(1)	Power to give written approval to a person taking water from a service provider's infrastructure.
Service Provider	195(2)	In the specified circumstances, power to give written approval to a person taking water from a supply pipe on premises for use off the premises.

## CHAPTER 3 – RECYCLED WATER MANAGEMENT

### Part 1A – Recycled water schemes

#### Division 1 – Registration

Entity power given to	Section of WSSR	Description
Relevant entity for a recycled water scheme	196AA(1)	Power to apply for registration of the scheme.

#### Division 2 – Changing registration details

Entity power given to	Section of WSSR	Description
Relevant entity for a recycled water scheme which is registered under Chapter 3, Part 1A, Division 2	196AD(1)	Power to apply to change the details of the registration recorded in the register.
Relevant entity for a recycled water scheme which is registered under Chapter 3, Part 1A, Division 2	196AE(1)	Power to apply to cancel the registration if the recycled water is no longer supplied under the scheme.

### Part 2 – Recycled water management planning

Entity power given to	Section of WSSR	Description
Recycled Water Provider	202(1)	Power to apply to the regulator for approval of a recycled water management plan.
Recycled Water Provider	203(1)(b)	Power to sign a statutory declaration verifying the information included in the plan, or any additional information given under section 203(1)(a).
Recycled Water Provider	208(2)	Power to give regulator notice of a stoppage or proposed stoppage of the production or supply of recycled water, in accordance with the circumstances of that section.
Recycled Water Provider	208(5)	Power to, as soon as practicable, give the regulator notice of the stoppage or proposed stoppage of the production or supply

		of recycled water under a scheme and otherwise in the circumstances of that section.
Recycled Water Provider	209(1)	Power to obtain the regulator's agreement to amend the recycled water management plan for the scheme.
Recycled Water Provider	212(2)	Power to apply to the regulator for approval of the proposed amended recycled water management plan.
Recycled Water Provider	212(3)	Power to exercise the delegable powers (if any) contained in sections 202(2), (3) and (4), and sections 203 to 208 as if a reference in the sections to: <ul style="list-style-type: none"> <li>(a) the recycled water management plan were a reference to the amended recycled water management plan; and</li> <li>(b) the plan were a reference to the amended plan.</li> </ul>
Relevant entity for the recycled water scheme	215(1)	If a recycled water management plan has been suspended, power to apply to the regulator for an approval to resume supply of recycled water under the scheme.
Recycled Water Provider	215(3)	Power to exercise the delegable powers (if any) contained in sections 203 and 204 as if a reference in the sections to: <ul style="list-style-type: none"> <li>(a) the recycled water management plan were a reference to the suspended recycled water management plan; and</li> <li>(b) the plan were a reference to the suspended plan.</li> </ul>
Recycled Water Provider	215(7)	Power to exercise the delegable powers (if any) contained in sections 202(2), (3) and (4), and sections 203 to 208 as if a reference in the sections to: <ul style="list-style-type: none"> <li>(a) the recycled water management plan were a reference to the amended recycled water management plan; and</li> <li>(b) the plan were a reference to the amended plan.</li> </ul>

### **Part 3 – Notice about permanently stopping supply of recycled water**

<b>Entity power given to</b>	<b>Section of WSSR</b>	<b>Description</b>
Recycled Water Provider	230(2)	Power to give a notice to the regulator of a proposed stoppage at least 30 days before the supply of recycled water is stopped.
Relevant entity for the critical recycled water scheme (if relevant)	230(4)	Power to give the regulator notice of the proposed stoppage at least 60 days before supply of the recycled water is stopped.
Relevant entity for the critical recycled water scheme (if relevant)	230(6)(b)	Power to sign a statutory declaration verifying the information included in the notice, or any additional information given under section 230(6)(a).
Recycled Water Provider	230(9)	Power to give the regulator notice of a stoppage of recycled water under recycled water scheme within 5 days after the supply stops.

### **Part 4 – Validation Programs**

**[This part applies to a recycled water scheme if recycled water is proposed to be supplied under the scheme to augment a supply of drinking water.]**

<b>Entity power given to</b>	<b>Section of WSSR</b>	<b>Description</b>
Recycled Water Provider	237(1)	Power to apply to the regulator for approval of a validation program.

Relevant entity for the critical recycled water scheme (if relevant)	238(1)(b)	Power to sign a statutory declaration verifying the information included in the program, or any additional information given under section 238(1)(a).
Relevant Entity	242(2)	Power to apply to the regulator for approval of the proposed amended validation program.
Recycled Water Provider	242(3)	Power to exercise the delegable powers (if any) contained in sections 237(2) and sections 238 to 241 as if a reference in the sections to: (a) the validation program were a reference to the amended validation program; and (b) the program were a reference to the amended program.

## **Part 6 – Reviews and audits of recycled water management plans**

<b>Entity power given to</b>	<b>Section of WSSR</b>	<b>Description</b>
Recycled Water Provider	259(2)(b)	In the specified circumstances, power to apply to the regulator for approval of the amended plan.
Scheme Manager	259(4)	In the specified circumstances, power to apply to the regulator for approval of the amended recycled water management plan for the scheme.
Recycled Water Provider	259(6)	Power to exercise the delegable powers (if any) contained in sections 202(2), (3) and (4), and sections 203 to 208 as if a reference in the sections to: (a) the recycled water management plan were a reference to the amended recycled water management plan; and (b) the plan were a reference to the amended plan.

## **Part 7 – Reporting requirements**

### **Division 4 – Connecting to registered services**

<b>Entity power given to</b>	<b>Section of WSSR</b>	<b>Description</b>
Alerting entity	270(2)	In the specified circumstances, power to immediately inform the regulator and, if another entity is the responsible entity for the noncompliance, the responsible entity, of the noncompliance and the circumstances that gave rise to the noncompliance.
Responsible entity for the non-compliance	270(4)	Power to give the regulator notice of the following: (a) the noncompliance and the circumstances that gave rise to the noncompliance; (b) any action taken, or to be taken, by the entity to correct the noncompliance; and (c) the measures the entity will take to prevent the noncompliance in the future.
Alerting entity	271(2)	In the specified circumstances, power to immediately inform the regulator and, if another entity is the responsible entity for prescribed incident, the responsible entity, of the prescribed incident.
Alerting entity	271(4)	In the specified circumstances, power to give the regulator notice of: (a) the prescribed incident and the circumstances that gave rise to the prescribed incident;

		(b) any action taken, or to be taken, by the entity relating to the prescribed incident; and (c) the measures the entity will take to prevent the prescribed incident happening again in the future.
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**Part 8 – Declaration of critical recycled water schemes**

Entity power given to	Section of WSSR	Description
Entity to whom a notice of the regulator's intention to make a decision	303(4)(e)	Power to give the regulator a notice about who the provider and entities agree is the scheme manager.
Relevant entity for a critical recycled water scheme	306(1)	Power to considers the scheme should not be a critical recycled water scheme, and to ask the regulator to review the making of the declaration.
Recycled water providers / entity declared to be part of the scheme	307(2)	In the specified circumstances, power to give the regulator notice of who is the scheme manager.

**Part 10 – Miscellaneous**

Entity power given to	Section of WSSR	Description
Scheme manager for a multiple-entity recycled water scheme	333(2)	In the specified circumstances, power to, by notice, require a recycled water provider or other declared entity for the scheme to give the scheme manager, within a stated reasonable period, information the scheme manager reasonably requires to comply with the scheme manager's obligations under this Act.

**CHAPTER 4 – REFERABLE DAMS AND FLOOD AND DROUGHT MITIGATION**

**Part 1 – Referrable dams**

**Division 2A – Emergency action planning and reporting**

***Subdivision 1 – Preliminary***

Entity power given to	Section of WSSR	Description
Owner of a referable dam	352F	Power to prepare an emergency action plan for a dam under subdivision 3 and to give it to the Chief Executive for approval.

***Subdivision 3 – Preparation of emergency actions plans***

Entity power given to	Section of WSSR	Description
Local Government	352HB(1)	Power to assess and decide whether the emergency action plan is consistent with its disaster management plan.
Local Government	352HB(2)	Power to consult with its local group for the plan.

### ***Subdivision 6 – Reviewing emergency action plans***

Entity power given to	Section of WSSR	Description
Owner of a referable dam	352O(2)(c)(ii)	Power to give an emergency action plan for a dam to the Chief Executive.
Owner of a referable dam	352P	The power, before 1 October each year to: (a) review the approved emergency action plan for the dam; and (b) give to the Chief Executive: (i) a notice stating whether or not the owner proposes an amendment to the plan because of the review; and (ii) if the owner proposes an amendment – a copy of the plan including the proposed amendment.

### ***Subdivision 7 – Amending emergency action plans***

Entity power given to	Section of WSSR	Description
Owner of a referable dam	352Q(1)	Power to ask the Chief Executive to amend the approved emergency action plan for the dam to: 7.5 correct a minor error; or 7.6 make another change that is not a change of substance.

### ***Subdivision 9 – Emergency event reporting***

Entity power given to	Section of WSSR	Description
Owner of referable dam	352T(2)	Power to prepare a report (an <b><i>emergency event report</i></b> ) and to give it to the Chief Executive.
Owner of referable dam	352T(2)(a)	Power to consider when the dam hazard giving rise to the event is no longer a material risk to persons or property.
Owner of referable dam	352T(2)(b)	Power to agree a further period in writing with the Chief Executive.
Owner of referable dam	352U(3)	Power to prepare a report (an <b><i>emergency event interim report</i></b> ) and to give it to the Chief Executive officer in accordance with section 352U(2).

### ***Division 3 – Safety conditions for existing referable dams***

Entity power given to	Section of WSSR	Description
Owner of a referable dam	354(3)(b)	Power to agree with the Chief Executive, an extended period for deciding safety conditions.

### ***Subdivision 2 – Chief Executive may give direction or take action about failure of dam***

Entity power given to	Section of WSSR	Description
Owner of land on which a dam is situated / operator of a dam	359(3)	Power to comply with a notice issued under section 359(1).

Owner of land on which a dam is situated / operator of a dam	359(4)	Power to give to the Chief Executive officer, a notice that the person intends to remove the dam.
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## Part 2 –

## Flood mitigation manuals and reporting

### Division 2 – Preparation of flood mitigation manuals

Entity power given to	Section of WSSR	Description
Owner of a referable dam	371C	Power to prepare a flood mitigation manual for a dam under division 2 and to give it to the minister for approval.

### Division 3 – Approving flood mitigation manuals

Entity power given to	Section of WSSR	Description
Owner of a referable dam	371H(2)	Power to prepare a new flood mitigation manual and give it to the minister in compliance with a notice given under section 371H.

### Division 4 – Amending and reviewing flood mitigation manuals

Entity power given to	Section of WSSR	Description
Owner of a referable dam	372(2)	Power to amend a flood mitigation manual for a dam in compliance with a notice issued under section 372(1).
Owner of a referable dam	373	Power to: <ul style="list-style-type: none"> <li>(a) review and, if necessary, update a flood mitigation manual; and</li> <li>(b) give a copy of it to the minister for the minister's approval under division 3.</li> </ul>

### Division 5 – Renewing flood mitigation manuals

Entity power given to	Section of WSSR	Description
Owner of a referable dam	374(2)	Power to prepare a new flood mitigation manual for a dam and give it to the minister for approval.

### Division 6 – Annual preparedness report

Entity power given to	Section of WSSR	Description
Owner of a referable dam	375	Power to after 1 August and before 1 September each year: <ul style="list-style-type: none"> <li>(a) prepare a report (an annual preparedness report) under division 6 about the level of preparedness of the dam for a flood event under a flood mitigation manual; and</li> <li>(b) give the report to the Chief Executive.</li> </ul>

### Division 8 – Authorising alternative operational procedures

Entity power given to	Section of WSSR	Description
Owner of a referable dam	378	Power to reasonably consider that: (a) an operational strategy under a flood mitigation manual for a dam does not provide or adequately provide for the flood event; (b) to achieve an objective under the flood mitigation manual and to respond effectively to a flood event that is necessary to: (i) disregard an operational procedure under the manual (the <b>existing procedure</b> ); and (ii) observe a different operational procedure (the <b>alternative procedure</b> ).
Owner of a referable dam	379(1)	Power to give the Chief Executive the information referred to in that section (the <b>authorisation request information</b> ).
Owner of a referable dam	379(2)	Power to give the Chief Executive the authorisation to request information orally.
Owner of a referable dam	379(3)	Power to give the authorisation request information in writing as soon as practicable after giving the Chief Executive the information orally.
Owner of a referable dam	381(1)	Power to make reasonable efforts to contact the Chief Executive to give the Chief Executive the authorisation request information for the alternative procedure.
Owner of a referable dam	381(4)	Power to, as soon as practicable after failing to contact, or losing contact with, the Chief Executive, record the authorisation request information in writing and give it to the Chief Executive.
Owner of a referable dam	381(6)	Power to form the reasonable belief that the Chief Executive is no longer able to respond to the owner for the purpose of subsection (2).

### Division 9 – Flood event reporting

Entity power given to	Section of WSSR	Description
Owner of a referable dam	383(2)	Power to prepare a report (a <b>flood event report</b> ) under division 9 and give it to the Chief Executive.
Owner of a referable dam	383(2)(b)	Power to agree to a further period in writing with the Chief Executive.
Owner of a referable dam	384(3)	Power to comply with a notice given to the owner of the dam under section 384(2).

### Part 4 – Reducing full supply level for safety purposes

Entity power given to	Section of WSSR	Description
Dam Owner	399B(1)	Power to form the belief, based on the advice of a registered professional engineer, that there is an unacceptable risk of a failure of a dam if it operates at the full supply level stated in the resource operations licence for the dam.
Owner	399B(2)	Power to reduce the full supply level of the dam to the level (the <b>reduced full supply level</b> ) that lowers the risk of a failure of

		the dam to a level acceptable to the owner, having regard to the advice of the registered professional engineer.
Owner	399B(4)	Power to consider and include in a notice: 7.7 the reasons why it is necessary to operate the dam at the reduced full supply level; and 7.8 the period for which it is necessary to operate the dam at the reduced supply level.
Owner	399C(3)(a)	Power to decide and include in a report when the owner intends to allow the dam to return to the full supply level stated in the resource operations licence for the dam.
Service Provider	399C(3)(b)	Power to consider and decide and include in a report: i. the impacts the reduced full supply level has had on the provider's customers since its reduction; ii. the likely future impacts on customers for the period for which the provider proposes to keep the dam at a reduced full supply level; and iii. the impacts the reduced full supply level has had or is likely to have on achieving the water plan outcomes for a water plan under the Water Act.

## CHAPTER 5 – INVESTIGATIONS AND ENFORCEMENT MATTERS

### Part 5A – Particular provisions to monitor relevant service providers

#### Division 2 – Improvement plans

Entity power given to	Section of WSSR	Description
Service Provider	446(2)	Power to make an improvement plan.
Service Provider	447	Power to make an improvement plan.

### Part 8 – Notices of cost recovery

#### Division 1 – Show cause notices

Entity power given to	Section of WSSR	Description
Person given a show cause notice, or a copy of a show cause notice	463(1)(d)	Power to make submissions about the show cause notice.

### Part 9 – Enforcement proceeding

Entity power given to	Section of WSSR	Description
Service Provider	475(2)(b) and (c)	Power to start a proceeding for a stated provision.
Service Provider	475(5)	Power to give the Chief Executive notice of the proceeding.
Service Provider	476(1)	Power to commence a proceeding for an enforcement order on behalf of the service provider.

## CHAPTER 6 – OFFENCES, EVIDENTIARY MATTERS AND LEGAL PROCEEDINGS

### Part 3 – Legal proceedings for offences

Entity power given to	Section of WSSR	Description
Person / Service Provider	496	Power to give notice to the Chief Executive of a proceeding.
Person	498(1)	Power to commence a proceeding on behalf of the service provider.

## CHAPTER 7 – REVIEWS, APPEALS AND ARBITRATION

### Part 1 – Preliminary

Entity power given to	Section of WSSR	Description
Interested person for an original decision	512(1)	Power to apply for an internal review of an original decision.
Recipient of a submitter notice	513(3)	Power to make written submissions on the internal review application to the reviewer.

### Part 3 – Appeals and external reviews

Entity power given to	Section of WSSR	Description
Interested person who applied for an internal review of the original decision	517(1)	Power to appeal against or apply for an external review of the review decision under this section.

### Part 4 – Arbitration

Entity power given to	Section of WSSR	Description
Interested person who applied an internal review of the original decision	524(2)	Power to, if dissatisfied with a decision, give the authority under the <i>Queensland Competition Authority Act 1997</i> a notice (a <b>dispute notice</b> ) applying for arbitration on the decision.
Application for arbitration	524A(2)	Power to apply for a stay of a review decision to a Court with jurisdiction to hear the proceeding.
Interested person who gave dispute notice	526	Power to withdraw the dispute notice at any time before the authority makes its decision on the dispute.

## CHAPTER 8 – MISCELLANEOUS

### Part 2 – Relationship with Planning Act

Entity power given to	Section of WSSR	Description
Person	562(2)	Power to appeal against a decision about the application to the Land Court.

### Part 3 – Other miscellaneous provisions

Entity power given to	Section of WSSR	Description
Water Service Provider	573	Power to make guidelines to provide guidance to persons about preparing a water efficiency management plan.
Water Service Provider	575(2)(a)	Power to consider that the information in the document is cybersecurity information.
Water Service Provider	575(2A)	Power to consider whether it is appropriate to keep a copy of the document available for inspection by the public at other places.
Water Service Provider	575A(2)	Power to consider that information in the document is cybersecurity information.

## CHAPTER 10 – OTHER TRANSITIONAL PROVISIONS

### Part 8 – Transitional provisions for *Electricity and Other Legislation Amendment Act 2014*

Entity power given to	Section of WSSR	Description
Administering Authority	670(2)	Power to amend the CSG environmental authority to include public health conditions.
Administering Authority	670(3)	Power to consider an amendment necessary or desirable.
Administering Authority	671(2)	Power to amend the CSG environmental authority to include public health conditions.
Administering Authority	671(3)(a)	Power to consider the amendment necessary or desirable.

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

8. 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.
9. 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.
10. 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).
11. 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.
12. 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.
13. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

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### **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.