

Attachment 1 - Proposed Amendments to Delegations Register

2.1 Waste Reduction and Recycling Act 2011

Add new preamble : *Note: The State (via the relevant department) has delegated certain powers of the chief executive to local governments under section 263(1)(b) of the Waste Reduction and Recycling Act 2011. This has been done via the Waste Reduction and Recycling (Local Government) Delegation (No. 1). The delegation specifically includes the power to sub-delegate to an "appropriately qualified entity".*

Name of Legislation / Legislative Powers			Delegations by Council to CEO (s257 LGA 2009)
Action	Description of Power - Waste Reduction and Recycling Act 2011	Section	Condition(s)
Amend to	Power, as delegate of the chief executive administering the Act, to give a notice to an adult person.	s110	As this power relates to Chapter 5, Part 2 of the Act.
Amend to	Power, as delegate of the chief executive administering the Act, to give a notice to an adult person.	s111	As this power relates to Chapter 5, Part 2 of the Act.
Amend to	Power, as delegate of the chief executive administering the Act, to direct a responsible entity to collect material from premises.	s112	As this power relates to Chapter 5, Part 2 of the Act.
Amend to	Power to prepare and implement a waste reduction and recycling plan (NB Council is not obligated to commence this process until 30 June 2015).	s123	
Amend to	Power where given, or entitled to be given, an information notice for a decision, to apply to the chief executive for an internal review of the decision.	s175	As this power relates to sections 248(2) and 253(3) of the Act.
Amend to	Power, as delegate of the chief executive administering the Act, to extend the time for making an internal review application.	S176(2)	As this power relates to sections 248(2) and 253(3) of the Act.
Amend to	Power, as delegate of the chief executive administering the Act, to conduct an internal review and make a decision to: (a) confirm the original decision; or (b) amend the original decision; or (c) substitute another decision for the original decision.	s178	As this power relates to sections 248(2) and 253(3) of the Act.
Amend to	Power, as delegate of the chief executive administering the Act, to give notice of internal review decision and a QCAT information notice if the internal review decision is not the decision sought by the applicant.	S179	As this power relates to sections 248(2) and 253(3) of the Act.
Amend to	Power as delegate of the chief executive administering the Act, to appoint a person as an authorised person.	s183	Any appointment of an authorised person must be subject to the limitation that an authorized person can only exercise the powers in section 117 and Chapter 10 of the Act in relation to the following offences: <ul style="list-style-type: none"> • Chapter 5, Parts 1, 2 and 3, Divisions 1 and 2 of the Act; • Section 251(a); • Section 251(c); • Section 254; and • Section 264.
Amend to	Power as delegate of the chief executive administering the Act, to give a show cause notice.	S246	As this power relates to sections 103(1), 104(1), 107(1), 108, 109(1) or (2), and 112(2) of the Act.
Amend to	Power as delegate of the chief executive administering the Act, to give a notice requiring the person to commission a waste audit and to provide a waste report on the audit.	s253	As this power relates to section 104 of the Act.

2.3 Environmental Protection Act 1994

2.3 Environmental Protection Act 1994			Delegations by Council to CEO (s257 LGA 2009)
Action	Description of Power - <i>Environmental Protection Act 1994</i>	Section	Condition(s)
Insert	Power as an administering authority to keep the registers listed in s540(1) and make them available for inspection.	ss540, 541, 542	

2.27 Building Act 1975

Name of Legislation / Legislative Powers			Delegations by Council to CEO (s257 LGA 2009)
Action	Description of Power - <i>Building Act 1975</i>	Section	Condition(s)
Insert	Power to receive a request for information from the QBCC Commissioner and comply with the request.	s246AIB(2)	
Insert	Power to comply with the Act by providing swimming pool safety advisory information to each owner of a non-certificate regulated pool at least once every four (4) years.	s246ATC	

2.32 Local Government Regulation 2012

Name of Legislation / Legislative Powers			Delegations by Council to CEO (s257 LGA 2009)
Action	Description of Power - <i>Local Government Regulation 2012</i>	Section	Condition(s)
Amend to	Power to take all necessary steps for: (a) construction on, maintenance of or improvement of the land; and (b) regulation of the use of the land, where the land is subject to a public thoroughfare easement.	s63(3)	
Insert	Power to make and adopt a contract manual.	s222	

2.42 Transport Operations (Road Use Management) Act 1995

Name of Legislation / Legislative Powers			Delegations by Council to CEO (s257 LGA 2009)
Action	Description of Power - <i>Transport Operations (Road Use Management) Act 1995</i>	Section	Condition(s)
Amend to	Power to remove and detain at a place for safe keeping any vehicles, trams and animals and any goods, equipment or thing contained in, on or about the vehicle, tram or animal in accordance with section 100(1).	s100	

2.43 Sustainable Planning Act 2009

Name of Legislation / Legislative Powers			Delegations by Council to CEO (S257 LGA 2009)
Action	Description of Power - <i>Sustainable Planning Act 2009</i>	Section	Condition(s)
Repeal	Power, as an assessment manager for a development application (distributor-retailer), to make a decision on an application and issue notices.	ss755E and s755F	
Repeal	Power, on behalf of Council, to receive reports from Council's nominated entity in relation to requests for compliance assessment made to Council's nominated entity.	s755H(2)	
Repeal	Power, on behalf of Council, to receive information from the distributor-retailer that it may be required to provide under section 755H(4).	s755H(4)	
Repeal	Power to give a copy of any compliance permit or certificate issued by Council or received by Council under section 408(4) to the distributor-retailer.	s755I	
Repeal	Power to impose, under section 626, conditions in relation to non-trunk infrastructure.	s755J	
Repeal	Power to require, under section 649(2), different trunk infrastructure for a distributor-retailers water or wastewater service.	s755Q(1)	
Repeal	Power to require, under section 649(3), conditions about trunk infrastructure for a distributor-retailers water or wastewater service.	s755Q(2)	
Repeal	Power to impose, under section 650(1), conditions about additional trunk infrastructure costs for a distributor-retailers water or wastewater service.	s755R	
Repeal	Power to receive a notice of appeal under section 482 and provide a copy of it to the distributor-retailer for whom Council is exercising concurrence agency jurisdiction.	s755U	
Repeal	Power to receive a notice of appeal under section 483 and provide a copy of it to the distributor-retailer.	s755V	

2.45 Disaster Management Act 2003

Name of Legislation / Legislative Powers			Delegations by Council to CEO (S257 LGA 2009)
Action	Description of Power - <i>Disaster Management Act 2003</i>	Section	Condition(s)
Repeal	Power to appoint a person to a District Disaster Management Group for a disaster district.	s24	
Repeal	Power to nominate a person to a Temporary District Disaster Management Group.	s28B	
Repeal	Power to appoint a person as a member of a Local Disaster Management Group.	s33	
Repeal	Power to appoint a chairperson and deputy chairperson of a Local Disaster Management Group.	s34	
Amend to	Power to provide, at least once a year, written notice of the members of a Local Disaster Management Group to the chief executive and the chairperson of the district group for the disaster district in which the Local Disaster Management Group is situated.	s37	

2.46 Disaster Management Regulation 2014

Name of Legislation / Legislative Powers			Delegations by Council to CEO (S257 LGA 2009)
Action	Description of Power - <i>Disaster Management Regulation 2014</i>	Section	Condition(s)
Insert	Power to appoint a person to a district disaster management group for a disaster district.	s5(1)	

Name of Legislation / Legislative Powers			Delegations by Council to CEO (S257 LGA 2009)
Action	Description of Power - <i>Disaster Management Regulation 2014</i>	Section	Condition(s)
Insert	Power to inform the chief executive of the department and the chairperson of the district group, of an appointment made under section 5(1).	s5(6)	
Insert	Power to nominate a person to a temporary district disaster management group.	s7(1)	
Insert e	Power to appoint a person as a member of a local disaster management group.	s9(1)	
Insert	Power to appoint a chairperson and deputy chairperson of a local disaster management group.	s10(1)	

2.47 Fire and Emergency Services Act 1990 - Amend Legislation title to reflect change to instrument (from Fire and Rescue Service Act 1990 to Fire and Emergency Services Act 1990)

Name of Legislation / Legislative Powers			Delegations by Council to CEO (S257 LGA 2009)
Action	Description of Power - <i>Fire and Emergency Services Act 1990</i>	Section	Condition(s)
Amend to	Power to engage a debt collector (authorised to perform a debt collection under the <i>Debt Collectors (Field Agents and Collection Agents) Act 2014</i>) to collect any arrears of annual contribution payable by an owner of prescribed property, and to require by notice in writing the owner pay an amount by way of a collection fee. <i>commercial.</i>	s126(1)	

2.49 Liquor Act 1992

Name of Legislation / Legislative Powers			Delegations by Council to CEO (S257 LGA 2009)
Action	Description of Power - <i>Liquor Act 1992</i>	Section	Condition(s)
Insert	Power to consent to the making of an application for an adult entertainment permit or to abstain from consenting to the application.	S105B	
Amend to	Power to make comment in regard to the grant of an application generally.	S121(1)(c)	
Amend to	Power to: (a) to display a notice about the suspension of a restricted area designation on each of the section 173M notices displayed for the restricted area whilst the suspension is in force; and (b) to notify the Queensland Police Service about the suspension.	s173N (3) and (4)	

2.56 Workers Compensation and Rehabilitation Regulation 2014 - Amend Regulation title to reflect change from *Workers Compensation and Rehabilitation Regulation 2003* to *Workers Compensation and Rehabilitation Regulation 2014*

Name of Legislation / Legislative Powers			Delegations by Council to CEO (S257 LGA 2009)
Action	Description of Power - <i>Workers Compensation and Rehabilitation Regulation 2014</i>	Section	Condition(s)
Insert	Power as a former employer, to give written notice to WorkCover to cancel a policy.	s13(3)	

Name of Legislation / Legislative Powers			Delegations by Council to CEO (S257 LGA 2009)
Action	Description of Power - <i>Workers Compensation and Rehabilitation Regulation 2014</i>	Section	Condition(s)
Insert	Power as a self-insurer, to appoint an actuary to calculate an amount of outstanding liability for section 87 of the Act.	s26	
Insert	Power as a former self-insurer, to appoint an actuary to calculate an amount of liability for section 102 of the Act.	s46	
Insert	Power as a former self-insurer to give the information, in the approved form, necessary to enable the actuaries to complete the calculation.	s47	
Insert	Power as a former self-insurer, to agree with WorkCover on the amount of the calculation for section 102 of the Act.	s51	
Insert	Power as a self-insurer to give the regulator and approved actuary, in the form approved by the regulator, the self-insurer's data.	s56	
Insert	Power as a self-insurer to agree with the regulator about the self-insurer's estimated claims liability.	s62	
Repeal	Power, as a non-scheme employer, to appoint an actuary to calculate an amount for Council's liability.	s75O	
Repeal	Power, as a non-scheme employer, to agree with WorkCover on a calculation for Council's liability, having regard to the joint summary report prepared by actuaries under section 75S of the <i>Workers' Compensation and Rehabilitation Regulation 2003</i> .	s75T	
Repeal	Power, as a non-scheme employer, to appoint an actuary to recalculate an amount for Council's liability under section 105I of the <i>Workers' Compensation and Rehabilitation Act 2003</i> .	s75Y	
Repeal	Power, as a non-scheme employer, to agree with WorkCover on the recalculation having regard to the joint summary report prepared by actuaries under section 75ZC of the <i>Workers' Compensation and Rehabilitation Act 2003</i> .	s75ZD	
Amend to	Power, as an employer of employees to appoint one (1) rehabilitation and return to work coordinator for more than one (1) workplace.	s115(3)	

2.66 Land Act 1994

Name of Legislation / Legislative Powers			Delegations by Council to CEO (S257 LGA 2009)
	Description of Power - <i>Land Act 1994</i>	Section	Condition(s)
Repeal	Power as a lessee, licensee or permittee to appeal against the inclusion of the lease licence or permit in a particular category for rent assessment.	s182	
Repeal	Power, as a lessee or licensee, to apply to the Minister to defer, wholly or partly, the payment of rent or instalments for the lessee's lease or licensee's licence	s192	

2.67 Land Valuation Act 2010

Name of Legislation / Legislative Powers			Delegations by Council to CEO (s257 LGA 2009)
	Description of Power - <i>Land Valuation Act 2010</i>	Section	Condition(s)
Insert	Power to discharge the local government's responsibility to provide the valuer-general valuation-related documents, information about a sale or proposed sale of land for unpaid rates, and information about all land Council acquires or disposes of.	s244	

2.78 Heavy Vehicle (Mass, Dimension and Loading) National Regulation

Name of Legislation / Legislative Powers			Delegations by Council to CEO (s257 LGA 2009)
Action	Description of Power - <i>Heavy Vehicle (Mass, Dimension and Loading) National Regulation</i>	Section	Condition(s)
Insert	Power as a road manager to consult with the road authority about the making of a map showing an area or route to which the one tonne tri-axle mass transfer allowance applies.	s7A	

2.80 Nature Conservation Act 1992

Name of Legislation / Legislative Powers			Delegations by Council to CEO (s257 LGA 2009)
Action	Description of Power - <i>Nature Conservation Act 1992</i>	Section	Condition(s)
Insert	Power to prepare a statement of management intent for protected wildlife where the minister has provided written notice under section 100K(2), and to publish the statement on Council's website.	s100K	

2.81 Nature Conservation (Administration) Regulation 2006

Name of Legislation / Legislative Powers			Delegations by Council to CEO (s257 LGA 2009)
Action	Description of Power - <i>Nature Conservation (Administration) Regulation 2006</i>	Section	Condition(s)
Amend to	Power, as a person who is given or is entitled to be given a notice under section 101(3) about a decision, to apply to QCAT for external review of the decision.	s103	

2.85 Aboriginal Cultural Heritage Act 2003

Name of Legislation / Legislative Powers			Delegations by Council to CEO (s257 LGA 2009)
Action	Description of Power - <i>Aboriginal Cultural Heritage Act 2003</i>	Section	Condition(s)
Delegate	Power, where there is knowledge that Aboriginal human remains or suspected Aboriginal human remains are in the possession or ownership of another person, to advise the chief executive about the existence of the remains and location of the remains.	s18	

Name of Legislation / Legislative Powers			Delegations by Council to CEO (s257 LGA 2009)
Action	Description of Power - <i>Aboriginal Cultural Heritage Act 2003</i>	Section	Condition(s)
Delegate	Power to consult with the Minister about cultural heritage duty of care guidelines.	s28(2)	
Delegate	Power, as a person involved in putting an approved cultural heritage management plan into effect, to take all reasonable steps to ensure the chief executive is advised about all Aboriginal cultural heritage revealed to exist because of any activity carried out under the plan.	s30	
Delegate	Power, as a person who carries out an activity, to advise the chief executive of Aboriginal cultural heritage revealed to exist because of the activity.	s31	
Delegate	Power to carry out a cultural heritage study and have its findings recorded in the register, including all steps authorised or required by Part 6 of the Act for the purpose of carrying out the study, recording it in the register, and objecting to the way the study is recorded in the register.	ss53, 56, 57, 58, 59, 60, 61, 62(2), 63(3), 64(2), 65(2), 67, 68, 69(2), 65(2), 67, 68, 69(2), 70, 71, 76, 77(2) and 153	
Delegate	Power to consult with the Minister about guidelines to help people in choosing suitable methodologies for carrying out cultural heritage studies.	s54(2)	
Delegate	Power, as the owner or occupier of land, to consult with the sponsor about obtaining access to the land and determine whether or not access should be given.	s70(3)	
Delegate	Power to consult with the chief executive about a cultural heritage study.	s72(1)(c)	
Delegate	Power to object to the Land Court regarding: (a) the chief executive's recording in the register of the findings of a cultural heritage study; and (b) the chief executive's refusal to record in the register the findings of a cultural heritage study.	s76	
Delegate	Power to develop, reach agreement on and seek approval for a cultural heritage management plan including all steps authorised or required by Part 7 of the Act for the purpose of developing, reaching an agreement on and seeking approval of the plan and objecting to any refusal to approve the plan.	ss82, 83, 91, 92, 93, 94, 95, 96, 97(2), 98(2), 99(2), 100, 101, 103, 104, 105, 106, 107, 109(5), 111, 112, 113, 114, 115, 116, 117(5) and 153	
Delegate	Power to consult with the Minister about guidelines to help people in choosing suitable methodologies for developing cultural heritage management plans.	s85(1)	
Delegate	Power, as the owner or occupier of land, to consult with a person who wishes to enter land to perform a cultural heritage activity about obtaining access to the land and to determine whether or not access should be given.	s153	

2.86 Environmental Offsets Act 2014

Name of Legislation / Legislative Powers			Delegations by Council to CEO (s257 LGA 2009)
Action	Description of Power - <i>Environmental Offsets Act 2014</i>	Section	Condition(s)
Delegate	Power to make an environmental offsets policy available for inspection.	s12(3)	
Delegate	Power to consider a notice of election and any offset delivery plan.	s19(1)	
Delegate	Power to decide whether it is appropriate to deliver the environmental offset in the way stated in the notice of election, and any offset delivery plan, or whether the offset should be delivered in a different way and to give notice of the decision.	s19(2)	
Delegate	Power to agree to amend either or both the agreed delivery arrangement and an offset delivery plan.	s19(7)	
Delegate	Power, where agreed delivery arrangements have been made before authority to do so is granted, to give the notice to the entity satisfying the requirements of subsection 4.	s19A	
Delegate	Power to enter another agreed delivery arrangement.	s20	
Delegate	Power to decide an application to remove duplicate conditions.	s25A	
Delegate	Power to credit amounts received by Council as a financial settlement offset to Council's trust fund.	s89(1)	
Delegate	Power to credit amounts received by Council as a financial settlement offset in one of the circumstances listed in subsection 2.	s89(2)	
Delegate	Power, as an administering agency, to keep a register of the matters listed in subsection one, make the register available for inspection and give information held on the register to the chief executive.	s90	
Delegate	Power, as an administering agency, to decide an application to amend: (a) an existing authority; (b) an authority granted, on or after commencement, as the result of an application that was made but not dealt with before commencement; and (c) do all things authorised or required by section 95B following the making of the decision.	s95B	

2.87 Environmental Offsets Regulation 2014

Name of Legislation / Legislative Powers			Delegations by Council to CEO (s257 LGA 2009)
Action	Description of Power - <i>Environmental Offsets Regulation 2014</i>	Section	Condition(s)
Delegate	Power, as an owner of land proposed to be included within a new area covered by a later environmental offset agreement, to decide whether or not to consent to the amended declaration of the environmental offset production area.	s11(3)(c)	
Delegate	Power, as a decision maker, to decide an application for an area of land to be identified as an advanced offset and to do all things authorised or required by section 14 following the making of the decision.	s14	
Delegate	Power, as a decision maker, to remove an advanced offset from the register kept under section 90 of the Act.	s14(7)	
Delegate	Power, as a decision maker, to decide an application to vary the boundary of an area of land identified as an advanced offset and to do all things authorised or required by section 15 following the making of the decision.	s15	
Delegate	Power, as a relevant entity, to extend the time for applying for internal review.	s18(2)	
Delegate	Power, as a relevant entity, to review a reviewable decision, make an internal review decision and to do all things authorised or required by section 19 following the making of the decision.	s19	