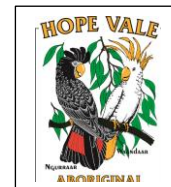


Hope Vale Aboriginal Shire Council

REGISTER OF DELEGATIONS – VARIOUS LEGISLATION

COUNCIL TO CEO



DELEGATION NO.	2022/1
DELEGATION TITLE:	Delegation to the Chief Executive Officer – Various Legislation
Delegation from Council to:	Chief Executive Officer
Date and Resolution No.	17 August 2022 Item xxx
Source of Authority:	Local Government Act 2009 (Qld) Refer Schedule 1 Refer Schedule 2

Delegated Power:

Council resolves, pursuant to section 257(1)(b) of the *Local Government Act 2009* (Qld), to delegate to the Chief Executive Officer all of the powers of the local government conferred under:

- a) Council's Local Laws;
- b) the Acts and Subordinate Legislation listed in Schedule 1 of this delegation.

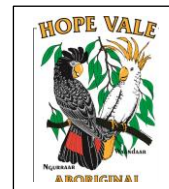
Interpretation:

1. To the extent that this delegation confers a power to take any action, including making a decision, the power extends to doing anything which is necessary or convenient to perform that action, make that decision or give effect to a decision made by the local government or the local government's delegate such as:
 - a) considering factual and legal matters and issues in order to:
 - i) form any belief which is required; and
 - ii) be satisfied about any matter or thing;
 - b) consulting with any person who is required to be consulted with;
 - c) issuing any notices including publishing any notice in the gazette, newspaper or on the local government's website;
 - d) approving any forms;
 - e) filing any document;
 - f) extending any period;
 - g) providing reasons; and
 - h) making or refunding any payment.
2. Under this delegation, the words used are to take their meaning from the Queensland legislation conferring the authority or to the extent that no meaning is prescribed, the words will take their ordinary meaning unless otherwise specified in this delegation.

Hope Vale Aboriginal Shire Council

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3. Under this delegation, the words used have the meanings set out below:
 - a) 'Act' has the meaning given to that term under the *Acts Interpretation Act 1954* (Qld);
 - b) 'Queensland legislation' has the meaning given to that term under the *Acts Interpretation Act 1954* (Qld);
 - c) 'powers of the local government' means all powers conferred on the local government under Queensland legislation which is the subject of this delegation including any Subordinate Legislation and Statutory Instrument made under that legislation or which has taken effect under that legislation even if not expressly mentioned in this delegation;
 - d) 'Subordinate Legislation' has the meaning given to that term under the *Statutory Instruments Act 1992* (Qld);
 - e) 'Statutory Instrument' has the meaning given to that term under the *Statutory Instruments Act 1992* (Qld);
 - f) 'Local Law' has the meaning given to that term under the *Local Government Act 2009* (Qld) and a reference to a local law in this delegation includes a reference to:
 - i) an 'interim local law' as defined by the *Local Government Act 2009* (Qld);
 - ii) a 'subordinate local law' as defined by the *Local Government Act 2009* (Qld); and
 - iii) a local law that incorporates a 'model local law' as defined by the *Local Government Act 2009* (Qld).
4. To the extent of any inconsistency between the conferral of this delegation of powers and any earlier delegation of powers to the Chief Executive Officer, this delegation prevails.

Delegation Conditions

5. The powers conferred by this delegation must be exercised in accordance with the Queensland legislation conferring the authority, including any obligations which are imposed in exercising the power.
6. The powers conferred by this delegation must not be exercised in circumstances where the power is not capable of delegation (refer to schedule 2 of this delegation).
7. The delegated officer must make and keep a register of all instances of where this delegation has been exercised.
8. Unless compliance would be contrary to any law, the policies of the local government and codes of conduct must be complied with in exercising the powers conferred by this delegation.

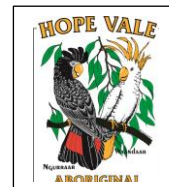
Delegation Criteria - *Planning Act 2016*

9. The delegated officer may exercise the powers of the local government under the *Planning Act 2016* for an application other than the following:
 - a) under the transitional provisions set out in Chapter 8 of the *Planning Act 2016*- an application for the approval of a master plan for a master planned area;
 - b) an application for a proposed development where a substantial number of submissions have been received during the notification part objecting to the proposed development.

Hope Vale Aboriginal Shire Council

REGISTER OF DELEGATIONS – VARIOUS LEGISLATION

COUNCIL TO CEO



Schedule 1

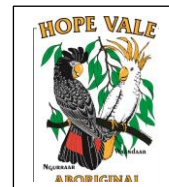
Acts

No.	Name of Act
1	<i>Aboriginal Cultural Heritage Act 2003 (Qld)</i>
2	<i>Acquisition of Land Act 1967 (Qld)</i>
3	<i>Acquisition of Land Regulation (2014) (Qld)</i>
4	<i>Animal Care and Protection Act 2001 (Qld)</i>
5	<i>Animal Care and Protection Regulation 2012 (Qld)</i>
6	<i>Animal Management (Cats and Dogs) Act 2008 (Qld)</i>
7	<i>Animal Management (Cats and Dogs) Regulation 2009 (Qld)</i>
8	<i>Anti-Discrimination Act 1991 (Qld)</i>
9	<i>Auditor-General Act 2009 (Qld)</i>
10	<i>Australia's Foreign Relations (State and Territory Arrangements) Act 2020 (Cth)</i>
11	<i>Biosecurity Act 2014 (Qld)</i>
12	<i>Biosecurity Regulation 2016 (Qld)</i>
13	<i>Body Corporate and Community Management (Accommodation Module) Regulation 2020 (Qld)</i>
14	<i>Body Corporate and Community Management (Commercial Module) Regulation 2020 (Qld)</i>
15	<i>Body Corporate and Community Management (Small Schemes Module) Regulation 2020 (Qld)</i>
16	<i>Body Corporate and Community Management (Specified Two-lot Schemes Module) Regulation 2011 (Qld)</i>
17	<i>Body Corporate and Community Management (Standard Module) Regulation 2020 (Qld)</i>
18	<i>Body Corporate and Community Management Act 1997 (Qld)</i>
19	<i>Building Act 1975 (Qld)</i>
20	<i>Building Fire Safety Regulation 2008 (Qld)</i>
21	<i>Building Regulation 2006 (Qld)</i>
22	<i>Building Regulation 2021 (Qld)</i>
23	<i>Coastal Protection and Management Act 1995 (Qld)</i>
24	<i>Crime and Corruption Act 2001 (Qld)</i>
25	<i>Development Assessment Rules (Qld)</i>
26	<i>Disaster Management Act 2003 (Qld)</i>
27	<i>Disaster Management Regulation 2014 (Qld)</i>
28	<i>Economic Development Act 2012 (Qld)</i>
29	<i>Electricity Act 1994 (Qld)</i>
30	<i>Electricity Regulation 2006 (Qld)</i>

Hope Vale Aboriginal Shire Council

REGISTER OF DELEGATIONS – VARIOUS LEGISLATION

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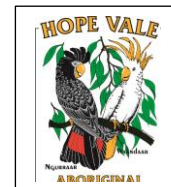


No.	Name of Act
31	<i>Electrical Safety Act 2002 (Qld)</i>
32	<i>Electrical Safety Regulation 2013 (Qld)</i>
33	<i>Environmental Offsets Act 2014 (Qld)</i>
34	<i>Environmental Offsets Regulation 2014 (Qld)</i>
35	<i>Environmental Protection (Water and Wetland Biodiversity) Policy 2019 (Qld)</i>
36	<i>Environmental Protection Act 1994 (Qld)</i>
37	<i>Environmental Protection Regulation 2019 (Qld)</i>
38	<i>Evidence Act 1977 (Qld)</i>
39	<i>Fire and Emergency Service Act 1990 (Qld)</i>
40	<i>Fisheries Act 1994 (Qld)</i>
41	<i>Food Act 2006 (Qld)</i>
42	<i>Food Production (Safety) Act 2000 (Qld)</i>
43	<i>Forestry Act 1959 (Qld)</i>
44	<i>Fossicking Act 1994 (Qld)</i>
45	<i>Gaming Machine Act 1991 (Qld)</i>
46	<i>Geothermal Energy Act 2010 (Qld)</i>
47	<i>Greenhouse Gas Storage Act 2009 (Qld)</i>
48	<i>Heavy Vehicle (Mass, Dimension and Loading) National Regulation (Qld)</i>
49	<i>Heavy Vehicle National Law Act 2012 (Qld)</i>
50	<i>Heavy Vehicle National Law (Queensland)</i>
51	<i>Heavy Vehicle National Law Regulation 2014 (Qld)</i>
52	<i>Housing Act 2003 (Qld)</i>
53	<i>Housing Regulation 2015 (Qld)</i>
54	<i>Human Rights Act 2019 (Qld)</i>
55	<i>Industrial Relations Act 2016 (Qld)</i>
56	<i>Industrial Relations Regulation 2018 (Qld)</i>
57	<i>Information Privacy Act 2009 (Qld)</i>
58	<i>Instrument of Delegation and Direction – Economic Development Act 2012 (Minister for Economic Development Queensland) 17 October 2019</i>
59	<i>Integrity Act 2009 (Qld)</i>
60	<i>Integrated Planning Act 1997 (Qld)</i>
61	<i>Integrated Resort Development Act 1987 (Qld)</i>
62	<i>Judicial Review Act 1991 (Qld)</i>
63	<i>Labour Hire Licensing Act 2017 (Qld)</i>

Hope Vale Aboriginal Shire Council

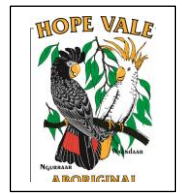
REGISTER OF DELEGATIONS – VARIOUS LEGISLATION

COUNCIL TO CEO



No.	Name of Act
98	<i>Plumbing and Drainage Act 2018 (Qld)</i>
99	<i>Plumbing and Drainage Regulation 2019 (Qld)</i>
100	<i>Property Law Act 1974 (Qld)</i>
101	<i>Prostitution Act 1999 (Qld)</i>
102	<i>Public Health (Infection Control for Personal Appearance Services) Act 2003 (Qld)</i>
103	<i>Public Health Act 2005 (Qld)</i>
104	<i>Public Health Regulation 2018 (Qld)</i>
105	<i>Public Interest Disclosure Act 2010 (Qld)</i>
106	<i>Public Records Act 2002 (Qld)</i>
107	<i>Public Sector Ethics Act 1994 (Qld)</i>
108	<i>Queensland Building and Construction Commission Act 1991 (Qld)</i>
109	<i>Queensland Heritage Act 1992 (Qld)</i>
110	<i>Queensland Reconstruction Authority Act 2011 (Qld)</i>
111	Rail Safety National Law
112	<i>Regional Planning Interests Act 2014 (Qld)</i>
113	<i>Residential Services (Accreditation) Act 2002 (Qld)</i>
114	<i>Residential Tenancies and Rooming Accommodation Act 2008 (Qld)</i>
115	<i>Residential Tenancies and Rooming Accommodation (COVID Emergency Response) Regulation 2020 (Qld)</i>
116	<i>Retail Shop Leases Act 1994 (Qld)</i>
117	<i>Retail Shop Leases and Other Commercial Leases (COVID-19 Emergency Response) Regulation 2020 (Qld)</i>
118	<i>Right to Information Act 2009 (Qld)</i>
119	<i>River Improvement Trust Act 1940 (Qld)</i>
120	<i>Safety in Recreational Water Activities Act 2011 (Qld)</i>
121	<i>Soil Conservation Act 1986 (Qld)</i>
122	<i>Standard Plumbing and Drainage Regulation 2003 (Qld)</i>
123	<i>State Development and Public Works Organisation Act 1971 (Qld)</i>
124	<i>State Penalties Enforcement Act 1999 (Qld)</i>
125	<i>State Penalties Enforcement Regulation 2014 (Qld)</i>
126	<i>Statutory Bodies Financial Arrangements Act 1982 (Qld)</i>
127	<i>Stock Act 1915 (Qld)</i>
128	<i>Stock Route Management Act 2002 (Qld)</i>
129	<i>Stock Route Management Regulation 2003 (Qld)</i>
130	<i>Strong and Sustainable Resource Communities Act 2017 (Qld)</i>

Hope Vale Aboriginal Shire Council
REGISTER OF DELEGATIONS – VARIOUS LEGISLATION
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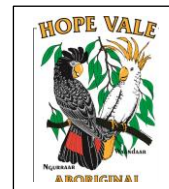


No.	<i>Name of Act</i>
164	<i>Working with Children (Risk Management and Screening) Act 2000 (Qld)</i>

Hope Vale Aboriginal Shire Council

REGISTER OF DELEGATIONS – VARIOUS LEGISLATION

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Schedule 2

Limitations on delegation of powers

The powers of the Hope Vale Aboriginal Shire Council which are not able to be delegated are set out in the tables below.

Animal Management (Cats and Dogs) Act 2008 (Qld) (AMCDA)	
Section	Power not subject to delegation
12 – Identification devices under Act	Council may, by resolution, nominate a device to assist in identifying a dog.
50 – Duration of registration	Council may, by resolution, fix the period for registration of a dog.
113 – Approval of inspection program authorising entry	Council may, by resolution, approve a program (an approved inspection program) under which an authorised person may enter a place to monitor compliance with the AMCDA or an aspect of the AMCDA.

Biosecurity Act 2014	
Section	Power not subject to delegation
235 - Authorising and carrying out biosecurity program	A program authorisation must be authorised by a resolution of the local government.

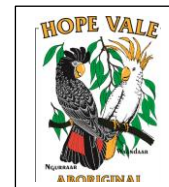
Building Act 1975 (Qld)	
Section	Power not subject to delegation
32 - Local laws, local planning instruments and local government resolutions that may form part of the building assessment provisions	Council may make resolutions about an aspect of, or matter related or incidental to, building work prescribed under a regulation.

Building Regulation 2006 (Qld)	
Section	Power not subject to delegation
7 – Additional water saving targets	Council may, by resolution, impose a requirement (an additional requirement) for relevant work about the matters provided for under performance criteria 1 and 2 under the Queensland Development Code part 4.2.
13 – Land liable to flooding	Council may, by resolution: <ul style="list-style-type: none"> (a) designate part of its area as a flood hazard area; and (b) declare the following for all or part of a flood hazard area:

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Building Regulation 2006 (Qld)	
Section	Power not subject to delegation
	<ul style="list-style-type: none"> (i) the defined flood level; (ii) the maximum flow velocity of water; (iii) an inactive flow 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 flood hazard area.
25 – Local government’s power to exempt particular assessable building work from particular stages of inspection	<p>Council may, by resolution, declare localities and forms of buildings or structures in its area exempt from inspection at a stage of assessable building work if the work:</p> <ul style="list-style-type: none"> (a) is, or is an alteration to, a single detached class 1a building or a class 10 building or structure; and (b) is not for a swimming pool or fencing around it.

Economic Development Act 2012 (Qld)	
Section	Power not subject to delegation
169 – Delegations	Council may not subdelegate a function or power of the Minister for Economic Development Queensland (MEDQ) delegated to it where MEDQ has, when delegating the function or power to Council, directed that the function or power cannot be subdelegated.

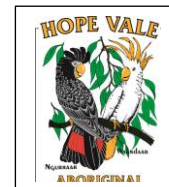
Environmental Protection Act 1994 (Qld) (EPA)	
Section	Power not subject to delegation
514 – Devolution of powers	<p>Council may make a resolution about the fees payable to it for the administration and enforcement of a matter devolved to it by the Governor in Council, which may include:</p> <ul style="list-style-type: none"> (a) the whole or part of an environmental protection policy; or (b) the issue of environmental authorities; (c) another matter under the EPA (other than Chapter 2 or Chapter 7, Part 8); or (d) a matter relating to an area below the high or low water mark forming the boundary of a local government’s area.
518 – Delegation by administering authority	Where Council is an administering authority, it may, by resolution, delegate its powers under the Environmental Protection Act to an appropriately qualified entity.

Food Act 2006 (Qld) (Food Act)	
Section	Power not subject to delegation
31 – Fees payable to local governments	Council may make a resolution about the fees payable to it for providing a service or taking action under the Food Act.

Hope Vale Aboriginal Shire Council

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Land Act 1994 (Qld)	
Section	Power not subject to delegation
56 – Model by-laws	Decide where the local government is trustee of trust land to adopt a model by-law.

Libraries Act 1988 (Qld)	
Section	Power not subject to delegation
55 – Library committees	Council may direct, by resolution, the functions, powers and duties to be fulfilled by a library committee.

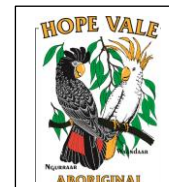
Liquor Act 1992 (Qld)	
Section	Power not subject to delegation
173N – Suspension of designation	Council may, by resolution, suspend the designation of a public place as a public place where permitted liquor may be consumed for a period of not more than 10 days if it reasonably believes it is in the best interests of the residents of the area to do so.

Local Government Act 2009 (Qld) (Local Government Act)	
Section	Power not subject to delegation
25C – Establishment of joint local governments	A joint local government is established for an area if 2 or more local governments approve, by resolution, the constitution for the joint local government.
25H – Chairperson and deputy chairperson	A joint local government must appoint a chairperson and deputy chairperson from its members, by resolution.
25I - Disbursement from operating fund of joint local government for purposes other than exclusive jurisdiction	A joint local government may only make a disbursement from its operating fund if the joint local government has, by resolution, decided the amount of the disbursement is not required for exercising its exclusive jurisdiction.
25J – Winding up joint local governments	A joint local government may, by resolution, decide to wind up the joint local government.
29 – Local law making process	A local law must be made by resolution of Council.
32 – Consolidated versions of local laws	Council may prepare and adopt, by resolution, a consolidated version of a local law.
46 – Assessing the public benefit	A local government must conduct a public benefit assessment of any new significant business activity that is identified in the annual report of the local government. The local government must prepare a report on the public benefit assessment that contains its recommendations about the application of the competitive neutrality principle in relation to the significant business activity.

Hope Vale Aboriginal Shire Council

REGISTER OF DELEGATIONS – VARIOUS LEGISLATION

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Local Government Act 2009 (Qld) (Local Government Act)	
Section	Power not subject to delegation
	At a meeting of the local government, the local government must consider the report and decide, by resolution, whether or not to apply the competitive neutrality principle in relation to the significant business activity.
47 – Code of competitive conduct	Council must decide each financial year, by resolution, whether to apply the code of competitive conduct to a business activity prescribed under regulation.
48 – Competitive neutrality complaints	Council must adopt, by resolution, a process for resolving competitive neutrality complaints. A competitive neutrality complaint is a complaint: <ul style="list-style-type: none"> (a) relating to a failure of Council to conduct a business activity in accordance with the competitive neutrality principle; and (b) is made by an affected person as defined in section 48(3) of the Local Government Act.
74 – Road register fees	Council may, by resolution or local law, fix a fee for a copy of a map or register of roads within the local government area.
80A – Malls	Council may decide by resolution to pay compensation to a person on account of injurious affection to any right or interest of a business, commercial or industrial nature because of the establishment, modification or closing of a mall by a local government.
93 – Land on which rates are levied	Land may be exempted from rating by resolution of Council.
94 – Power to levy rates and charges	The rates and charges to be levied in a financial year must be decided by resolution at Council's budget meeting for that financial year.
97 – Cost-recovery fees	Council may, under a local law or a resolution, fix a cost-recovery fee. An application for the issue or renewal of a licence, permit, registration or other approval under a local government Act may also include a tax if Council decides, by resolution, that the purpose of the tax benefits its local government area.
99 – Fees on occupiers of land below the high-water mark	Council may, by resolution, levy a fee on the occupier of land below the high-water mark for the use of Council's roads and other infrastructure.
107A – Approval of budget	Council must consider the budget presented by the mayor and, by resolution, adopt the budget with or without amendment. The budget must be adopted before 1 August in the financial year to which the budget relates.
110 – Councillors liable for improper disbursements	Councillors will be liable in accordance with section 110 for any disbursement of Council funds which is: <ul style="list-style-type: none"> (a) not provided for in Council's budget; and (b) made without the approval, by resolution, of Council.
134 – Approving an inspection program	Council may, by resolution, approve a systematic or a selective inspection program allowing an authorised person to enter and inspect certain properties within Council's local government area.
150 Conduct of Councillors	Adoption of the model procedures or other procedures for the conduct of the local government's meetings and meetings of its committees; Adoption of an investigation policy about dealing with suspected inappropriate conduct of councillors referred by the assessor to the local government;

Hope Vale Aboriginal Shire Council

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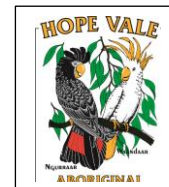


Local Government Act 2009 (Qld) (Local Government Act)	
Section	Power not subject to delegation
	<p>Decision to investigate a councillor's conduct in another way than as provided above;</p> <p>Decision, where a councillor has a declarable conflict of interest, to allow the Councillor to participate in a decision about the matter or to leave the place where the meeting is being held;</p> <p>Decision, where there is no quorum for deciding matter because of the prescribed conflicts of interest or declarable conflicts of interest, to deter the matter to a later meeting;</p> <p>Decision, where there is no quorum for deciding matter because of the prescribed conflicts of interest or declarable conflicts of interest, not to decide the matter and take no further action in relation to the matter.</p>
164 - Filling vacancy in office of mayor	Decision to appoint a councillor to the office of mayor if the office becomes vacant during the final part of the local government's term
165 – Acting mayor	<p>Council may, by resolution, appoint an acting mayor from its councillors in certain circumstances.</p> <p>Council may also, by resolution, declare that the office of deputy mayor is vacant, in which case it must immediately appoint another deputy mayor from its councillors.</p>
166 – Filling a vacancy in the office of another councillor (other than the Mayor)	<p>If the office of a councillor who is not the mayor becomes vacant during the beginning of Council's term, Council must, by resolution, fill the vacant office by either:</p> <p>(a) a by-election; or</p> <p>(b) appointing the runner-up in the last election.</p> <p>If the former councillor's office becomes vacant during the final part of Council's term, the vacant office must be filled by Council appointing, by resolution, a person who is:</p> <p>(a) qualified to be a councillor; and</p> <p>(b) if the former councillor was elected or appointed to office as a political party's nominee—the political party's nominee.</p>
170A – Requests for assistance or information	<p>'Acceptable requests guidelines' are guidelines of Council regarding:</p> <p>(a) the way in which a councillor may ask a local government employee for advice to help the councillor carry out his or her responsibilities under the Local Government Act; and</p> <p>(b) reasonable limits on requests that a councillor may make.</p> <p>Acceptable requests guidelines must be adopted by resolution by Council.</p>
175 – Post-election meetings	<p>Council must, by resolution, appoint a deputy mayor from its councillors (other than the mayor) at:</p> <p>(a) a meeting held within 14 days after the conclusion of each quadrennial election and the conclusion of a fresh election of its councillors; and</p> <p>(b) at the first meeting after the office of the councillor who is the deputy mayor becomes vacant.</p>

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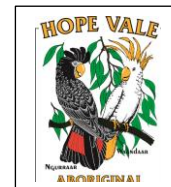
Local Government Act 2009 (Qld) (Local Government Act)	
Section	Power not subject to delegation
196 – Appointing other local government employees	Council must, by resolution, adopt an organisational structure that is appropriate to the performance of Council's responsibilities.
197 – Councillor advisor	Allowing a councillor to appoint one or more appropriately qualified persons (each a councillor advisor) to assist the councillor in performing responsibilities under the Act.
202 – Appointing authorised persons	A person is qualified to be an authorised person of Council if: (a) the person is an authorised person for another local government; and (b) Council has, by resolution, decided that authorised persons of the other local government may be appointed as authorised persons of Council.
257 – Delegation of local government powers	Council may only delegate certain powers under the Local Government Act or another Act by resolution. Council must not delegate a power that an Act states must be exercised by resolution.
257A – Delegation of joint local government's powers	A joint local government may, by resolution, delegate its powers to certain persons or bodies. However it must not delegate a power that an Act states must be exercised by resolution.
259 – Delegation of chief executive officer powers	Council's CEO must not delegate the following powers: (a) a power delegated by the local government, if the local government has directed the chief executive officer not to further delegate the power; and (b) a power to keep a register of interests.
268 – Process for administrative action complaints	Council must adopt, by resolution, a process for resolving complaints about an administrative action of Council by a person who is apparently directly affected by the administrative action.
276 – Local law continuation	Council may proceed in adopting or making a local law in accordance with the relevant process.
324 Investigating inappropriate conduct	Decision about the procedure for investigating a councillor's inappropriate conduct if an investigation policy has not been adopted under section 150AE; Decision to deal with a councillors inappropriate conduct in another way than as recommended by the assessor under Section 150AC(3)

Local Government Regulation 2012 (Qld) (Local Government Regulation)	
Section	Power not subject to delegation
29 – Converting a business unit to a commercial business unit	Council must make the decision to convert a business unit to a commercial business unit by resolution.
30 – Creating a commercial business unit	Council must make the decision to create a commercial business unit by resolution.
55 – Local government response to QCA's report	Council must decide, by resolution, whether to implement the recommendations in a report on the results of an investigation by the Queensland Competition Authority of a competitive neutrality complaint.

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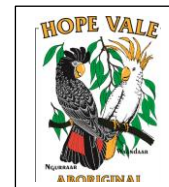


Local Government Regulation 2012 (Qld) (Local Government Regulation)	
Section	Power not subject to delegation
74 – Rateable value of land	When calculating the rateable value of land, Council may use the value of the land averaged over a number of financial years only if it decides, by resolution, to do so.
81 – Categorisation of land for differential general rates	Council must decide the different categories of rateable land in its local government area by resolution at its budget meeting, before Council levies differential general rates.
94 – Levying special rates or charges	Council may, by resolution, decide to levy special rates and charges. Council may amend an overall plan or an annual implementation plan regarding the special rates or charges at any time by resolution.
97 – Surplus special rates or charges after plan is cancelled	Where: (a) Council decides to cancel an overall plan before it is carried out; and (b) Council has not spent all the special rates or charges; and (c) the overall plan identifies the beneficiaries of the plan, Council may decide, by resolution, the proportions that it must pay the current owners of the land on which the special rates or charges were levied.
102 – Reading meters for utility charges	Council may, by resolution, decide a meter is taken to have been read during the period that starts 2 weeks before, and ends 2 weeks after, the day on which the meter is actually read.
116 – Limitation of increase in rates or charges levied	Council may resolve to limit the increase in rates or charges when it resolves to levy rates or charges.
118 – When rates or charges must be paid	Council must decide, by resolution at its budget meeting, the date by which, or the period within which, rates or charges must be paid.
122 – Resolutions for granting concession	Council may only grant a ratepayer a concession for rates or charges for land by resolution.
129 – Paying rates or charges by instalments	Council may decide, by resolution at its budget meeting, to allow ratepayers to pay rates or charges by instalments.
130 – Discount for prompt payment of rates or charges	Council may decide, by resolution at its budget meeting, to allow a discount for payment of rates or charges before the due date for payment. Council may change the due date for payment and the discount period to end on a later day by resolution.
133 - Interest payable on overdue rates or charges	Decision about the rate of interest payable on overdue rates or charges under 133 (3)(b)
140 – Notice of intention to sell land for overdue rates or charges	Council may, by resolution, decide to sell land on which there are overdue rates or charges in the circumstances set out in section 140 of the Local Government Regulation.
149 – Requirements for notice of intention to acquire land	Council may decide to acquire land by resolution for overdue rates or charges.
165 – Preparation of 5-year corporate plan	Council may amend its 5-year corporate plan at any time by resolution.

Hope Vale Aboriginal Shire Council

REGISTER OF DELEGATIONS – VARIOUS LEGISLATION

COUNCIL TO CEO

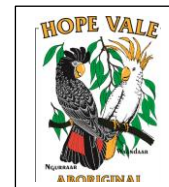


Local Government Regulation 2012 (Qld) (Local Government Regulation)	
Section	Power not subject to delegation
167 – Long term asset management plan	Council must prepare and adopt a long-term asset management plan.
170 – Adoption and amendment of budget	Council may amend the budget for a financial year by resolution any time before the end of the financial year.
173 – Unauthorised spending	Adopting an annual budget amended in compliance with Sect 173A. Council may spend money which is not authorised in its budget for genuine emergency or hardship if it makes a resolution about spending the money before, or as soon as practicable after, the money is spent.
174 – Preparation and adoption of annual operational plan	Council may, by resolution, amend its annual operational plan at any time before the end of the financial year.
182 – Annual report	Council must adopt its annual report within one month after the day the auditor-general gives their report about the local government’s financial statement.
191- Investment policy	Council must adopt an investment policy.
192 – Debt policy	Council must adopt a debt policy for a financial year.
195 – Community grants policy	Council must adopt a policy about local government grants to community organisations (including eligibility criteria).
196 – Entertainment and hospitality policy	Council must adopt a policy about the local government’s spending on entertainment or hospitality.
197 – Advertising spending policy	Council must adopt a policy about the local government’s spending on advertising.
198 – Procurement policy	Council must adopt a policy about procurement.
201- Trust fund transfers	Council may, by resolution, transfer money from the trust fund if the purpose for which it was credited to the fund no longer exists.
206 – Valuation of non-current physical assets	Council must, by resolution, set an amount for each different type of non-current physical asset below which the value of an asset of the same type must be treated as an expense.
218 – Power to choose strategic approach	Council may decide to apply Chapter 6, Part 2 of the Local Government Regulation (Strategic contracting procedures) to its contracts by resolution. Council may also decide that Chapter 6, Part 2 no longer applies to its contracts by a later resolution.
219 - Strategic Contracting	Decision that Chapter 6 Part 2 (strategic contracting procedures) no longer applies to local government contracts.
220 – Contracting plans	Council must make and adopt a contracting plan each financial year by resolution, but must not do so before it adopts an annual budget for a financial year. Council may, by resolution, amend a contracting plan at any time before the end of the financial year to which the plan relates.
221 – Significant contracting plans	Council may, by resolution, amend a significant contracting plan (as defined in section 221 of the Local Government Regulation) at any time before the end of the financial year to which the plan relates.

Hope Vale Aboriginal Shire Council

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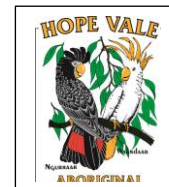
Local Government Regulation 2012 (Qld) (Local Government Regulation)	
Section	Power not subject to delegation
222 – Contracting manual	Council must make and adopt a contract manual.
228 – Tender process	Council may invite expressions of interest under section 228(5) only if it decides by resolution that it would be in the public interest to invite expressions of interest before inviting written tenders.
230 – Exception if quote or tender consideration plan prepared	Council may enter into a medium-sized or large-sized contractual arrangement without first inviting written quotes or tenders if it decides, by resolution, to prepare a quote or tender consideration plan and prepares and adopts the plan.
235 – Other exceptions	Council may enter into a medium-sized or large-sized contractual arrangement without first inviting written quotes or tenders if it decides, by resolution, that: <ul style="list-style-type: none"> (a) there is only one supplier who is reasonably available; or (b) because of the specialised or confidential nature of the services that are sought, it would be impractical or disadvantageous for the local government to invite quotes or tenders.
236 – Exceptions for valuable non-current asset contracts	Before disposing of a valuable non-current asset other than by tender or auction in accordance with section 236, Council must decide by resolution that the exceptions allowing such disposal apply to Council.
247 – Remuneration payable to councillors	Council may decide, by resolution, that the maximum amount of remuneration payable to a councillor under the remuneration schedule is not payable to the councillor. If this occurs, Council must also decide, by resolution, the amount of remuneration payable to the councillor.
250 – Requirement to adopt expenses reimbursement policy or amendment	Council may amend its expenses reimbursement policy at any time by resolution.
254 - Exemption of minutes and close a meeting	Council may exempt a committee from the requirement to take minutes of its proceedings by resolution. Council or a committee may decide by resolution that a meeting be closed to the public if the councillors or members of the committee consider it necessary to close the meeting to discuss certain matters.
257 – Frequency and place of meetings	Council must meet at least once in each month either at one of its public offices or at another place fixed by Council by resolution for the meeting.
306 – Complaints management process	Council must adopt a complaints management process and written policies and procedures supporting the process.

Minister's Guidelines and Rules	
Section	Power not subject to delegation
Chapter 2, Part 1, 3.1	For the purposes of section 20 of the Planning Act (amending planning schemes under Minister's rules), adoption of a proposed administrative amendment to a planning scheme.

Hope Vale Aboriginal Shire Council

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Minister's Guidelines and Rules	
Section	Power not subject to delegation
Chapter 2, Part 2, 6.1	For the purposes of section 20 of the Planning Act (amending planning schemes under Minister's rules), adoption of a proposed minor amendment to a planning scheme.
Chapter 2, Part 3, 14.1	For the purposes of section 20 of the Planning Act (amending planning schemes under Minister's rules), adoption of a proposed qualified state interest amendment to a planning scheme approved and notified by the Minister under section 13.5.
Chapter 2, Part 4, 22.1	For the purposes of section 20 of the Planning Act (amending planning schemes under the Minister's rules), adoption of a proposed major amendment to a planning scheme approved and notified by the Minister under section 21.5.
Chapter 3, Part 1, 5.1	For the purposes of section 22 of the Planning Act (making or amending planning scheme policies), adoption of a proposed planning scheme policy or amendment.
Chapter 3, Part 2, 9.1	For the purposes of section 23 of the Planning Act (making or amending temporary local planning instruments), adoption of a proposed temporary local planning instrument or temporary local planning instrument amendment approved and notified by the Minister under section 8.5.
Chapter 5, Part 2, 10.1	For the purposes of section 25(3) and (4) of the Planning Act (reviewing a local government infrastructure plan) and making or amending an LGIP, or making an interim LGIP amendment, adoption of a proposed LGIP or amendment approved and notified by the Minister under section 9.7.

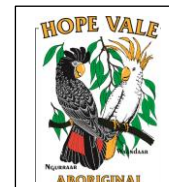
Planning Act 2016	
Section	Power not subject to delegation
9 – Temporary local planning instruments	Resolution that the local government give a temporary local planning instrument or amendment, and the request for an earlier effective day, to the Minister for approval.
24 – Repealing TLPIs or planning scheme policies	A local government may repeal a TLPI, or planning scheme policy, by resolution.
113 – Adopting Charges Resolution	A local government may by resolution (a charges resolution) adopt charges (each an adopted charge) for providing trunk infrastructure for development.
175 – Proceedings brought in a representative capacity	A person may bring offence proceedings in a representative capacity if the person has the consent of the members of its controlling or governing body where the proceedings are being brought on behalf of a body of persons or a corporation (e.g. Council).
Schedule 2 – Required fee	Fixing of a fee for an application or referral to a local government.

Planning Regulation 2017	
Section	Power not subject to delegation
Part 1 - Division 3 – Superseded Planning Schemes – s 11(3)	A local government may by resolution set a fee for considering a superseded planning scheme request.

Hope Vale Aboriginal Shire Council

REGISTER OF DELEGATIONS – VARIOUS LEGISLATION

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Planning Regulation 2017	
Section	Power not subject to delegation
Schedule 6 Part 1 – Material change of use for particular buildings or structures – s 2(e)	For a class 1(a)(ii) building made up of not more than 2 attached dwellings – the local government for the local government area in which the premises are located may decide by resolution that this subsection will apply to that class of building.
Schedule 9 - Division 2 – Local Government as referral agency (Table 4)	Council may declare in its planning scheme or by resolution that building work for a building or structure is in a locality and of a form that may: <ul style="list-style-type: none"> (a) have an extremely adverse effect on the amenity or likely amenity of the locality; (b) or be in extreme conflict with the character of the locality.
68D - Provisions in relation to economic support instruments	Adopt an economic support instrument for its local government area
68G - Provisions in relation to economic support instruments	Revoke an economic support instrument for its local government area

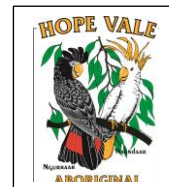
Plumbing and Drainage Act 2002 (Qld)	
Section	Power not subject to delegation
83 – Compliance permit required for certain compliance assessable work	Council may decide, by resolution, that certain compliance assessable work does not require a compliance permit. This does not apply to compliance work that is on-site sewerage work.
86A – Process for assessing certain compliance assessable work in remote areas	Council may declare, by resolution, that it is satisfied that in the absence of assessment of compliance assessable work at the stages prescribed under a regulation by an inspector, the work will not adversely affect public health or safety.

Plumbing and Drainage Regulation 2019 (Qld)	
Section	Power not subject to delegation
39 – Fast-track work declaration for a local government area	Council may decide, by resolution, to declare permit work of a stated type to be fast-track permit work for its local government area (a fast-track work declaration).
40 - Fast-track opt-out declaration for local government area	Council may decide, by resolution, to declare that it will not deal with any applications relating to permits for work to be carried out in its local government area as fast-track applications (a fast-track opt-out declaration).
71 - Local government declarations about remote areas and eligible work	Council may decide, by resolution to declare part of its local government area to be a remote area because of the area’s remoteness from the local government’s public office (a remote area declaration).

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Plumbing and Drainage Regulation 2019 (Qld)	
Section	Power not subject to delegation
71 - Local government declarations about remote areas and eligible work	Council may decide, by resolution, to declare particular permit work carried out in a remote area to be eligible work if the local government considers the work is of a type that, even if not inspected, will not be likely to adversely affect public health or safety, or the environment.

Public Health (Infection Control for Personal Appearance Services) Act 2003 (Qld) (PHICPASA)	
Section	Power not subject to delegation
9 – Local government to administer Act	Council may make a resolution about the fees payable to it for providing a service or taking action under the PHICPASA.

Queensland Heritage Act 1992 (Qld)	
Section	Power not subject to delegation
119 – Local government resolution to enter place in, or remove place from, local heritage register	Council may, by resolution, add or remove a place from its local heritage register in certain circumstances.

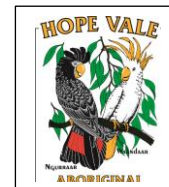
Residential Services (Accreditation) Act 2002 (Qld)	
Section	Power not subject to delegation
29 – Notice of compliance with prescribed building requirements	Council may, by resolution, prescribe a fixed fee for a written application to Council by a person conducting, or who proposes to conduct, a residential service for a notice stating whether the relevant premises comply with the prescribed building requirements.

South-East Queensland Water (Distribution and Retail Restructuring) Act 2009 (Qld)	
Section	Power not subject to delegation
28 – Power to amend by agreement	If Council is a participant in a participation agreement for a distributor-retailer, Council may agree to an amendment of the agreement only if it has passed a resolution to that effect.
34 – Councillor members	A councillor-member's appointment to the board of a distributor-retailer ends if Council (and all other participating local governments) have agreed as such by resolution.

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Stock Route Management Act 2002	
Section	Power not subject to delegation
110 – Adopting a stock route network management plan	If the Minister is satisfied of the matters mentioned in section 109(2), the Minister must advise the local government that it may, by resolution, adopt the plan.
114 – Amending a stock route management plan	After considering the amended plan the Minister must advise the local government that the local government may by resolution amend the plan.

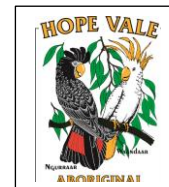
Sustainable Planning Act 2009	
Section	Power not subject to delegation
92 – Action local government may take after review	After reviewing its planning scheme, Council may, by resolution: <ul style="list-style-type: none"> (a) propose to prepare a new scheme; or (b) propose to amend the scheme; or (c) if Council is satisfied that the scheme is suitable to continue without amendment, decide to take no further action.
123 – Repealing temporary local planning instruments	Council may, by resolution, repeal a temporary local planning instrument.
124 – Repealing planning scheme policies	Council may, by resolution, repeal a planning scheme policy, other than a planning scheme policy that is replaced by another planning scheme policy.
399 – Who may carry out compliance assessment	Council may nominate, by resolution, a suitable qualified entity to carry out compliance assessment for Council.
590 – Giving enforcement notices	If Council is the assessing authority, it may not delegate its power to give an enforcement notice ordering the demolition of a building.
598 – Proceeding brought in a representative capacity	Where a proceeding is brought in the Magistrates Court to prosecute a person on behalf of Council, Council must first provide its consent by resolution to the commencement of proceedings on its behalf.
602 – Proceeding brought in a representative capacity	Where a proceeding is brought in the court in relation to an enforcement order or interim enforcement order on behalf of Council, Council must first provide its consent by resolution to the commencement of proceedings on its behalf.
630 – Power to adopt charges by resolution	Council may, by resolution, adopt charges for providing trunk infrastructure for development. This is defined as a 'charges resolution'.

Sustainable Planning Regulation 2009	
Section	Power not subject to delegation
Schedule 7 (Item 17) – Amenity and aesthetic impact of particular building work	Council may declare in its planning scheme or by resolution that building work for a building or structure is in a locality and of a form that may: <ul style="list-style-type: none"> (a) have an extremely adverse effect on the amenity, or likely amenity, of the locality; or (b) be in extreme conflict with the character of the locality.

Hope Vale Aboriginal Shire Council

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Transport Operations (Road Use Management) Act 1995 (Qld)

Section	Power not subject to delegation
103 – Examples of how parking may be regulated	<p>Council may, by local law or resolution, specify parking fees for a place or traffic area of the fee for:</p> <ul style="list-style-type: none"> (a) a disabled or other parking permit issued by Council; and (b) a commercial vehicle identification label allowing a vehicle to park in a loading zone.

Waste Reduction and Recycling Act 2011 (Qld)

Section	Power not subject to delegation
125 – Adoption of plan following consultation	<p>Council must adopt, by resolution, a waste reduction and recycling plan, or an amendment of a waste reduction and recycling plan, before the plan or amendment is implemented in its local government area.</p>

Waste Reduction and Recycling Regulation 2011 (Qld)

Section	Power not subject to delegation
7 – Designation of areas	<p>Council may, by resolution, designate areas within its local government area in which Council may conduct general waste or green waste collection.</p>

Water Supply (Safety and Reliability) Act 2008 (Qld) (Water Supply Act)

Section	Power not subject to delegation
161 – Declaration of service area	<p>Council may declare by resolution:</p> <ul style="list-style-type: none"> (a) all or part of its local government area to be a service area for a retail water service or a sewerage service; and (b) the service provider for the service area. <p>Council may also amend the declaration, by resolution, to add an area to, or remove an area from, the service area (with the written agreement of the service provider).</p>
476 – Proceeding started in a representative capacity	<p>Where a proceeding for an enforcement order is commenced by a person on behalf of Council, Council must first provide its consent by resolution to the commencement of proceedings on its behalf.</p>
498 – Proceeding brought in a representative capacity	<p>Where a proceeding for an offence against the Water Supply Act is commenced by a person on behalf of Council, Council must first provide its consent by resolution to the commencement of proceedings on its behalf.</p>