

## 5.5. DELEGATIONS COUNCIL TO CEO UPDATES

**REPORT AUTHOR(S)  
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**DEPARTMENT** Governance

### RECOMMENDATION

**That Council resolves to delegate, under Section 257(1)(b) of the *Local Government Act 2009*, the authority as listed in Attachment 1 of this report to the Chief Executive Officer.**

### EXECUTIVE SUMMARY

The Local Government Act 2009 gives Council the authority to do its work, and also provides for the delegation of this authority from Council through to the Chief Executive Officer (CEO), and through the CEO to Council Officers, in order to provide the effective delivery of services to the community.

LGAQ provides updates to the CEO twice each year regarding recommended changes to delegations. An update of delegations from Council to the CEO has now been completed and is presented to Council for consideration.

### BACKGROUND

There are over 70 Acts and Regulations that relate to local government. The legislative framework to undertake delegations is as follows:

- Section 257 of the *Local Government Act 2009* (the Act) allows a Council to delegate a power, other than where an Act specifically states that the power must be exercised by Council resolution.
- Section 257(1)(b) of the Act provides for a power to be delegated to the CEO.
- Section 259 of the Act allows a CEO to on-delegate their powers to appropriately qualified Officers, other than where the local government specifically directs that the power not be further delegated or it is a power to keep a register of interests.

### COMMENT

When determining which powers should be delegated from Council to the CEO, a differentiation has been made between 'making the decision' (to remain with Council) and 'implementation of the decision' (to be delegated to the CEO).

In addition, it was determined that policy matters, land matters, and matters relating to public liability insurance would all remain with Council.

It should be noted that, delegated matters can be brought to Council by the CEO on a case by case basis.

Current updates include:

### **New registers**

- Peaceful Assembly Act 1992
- Nature Conservation (Administration) Regulation 2017

### **Changes of substance to existing registers**

- State Penalties Enforcement Act 1999
- Waste Reduction and Recycling Act 2011
- Work Health and Safety Act 2011

## **FINANCIAL/RESOURCE IMPLICATIONS**

There are no financial implications to this process. Appropriate implementation of delegations to the CEO ensures the efficient use of Council resources.

## **RISK MANAGEMENT IMPLICATIONS**

The administration of Council's responsibilities under the Acts and Regulations carries with it inherent risk. Appropriate delegations form part of the risk management framework associated with these responsibilities.

This process is part of Council meeting its legislative delegation requirements under the *Local Government Act 2009*. It also plays a major role in Council eliminating legal non-compliance issues impacting on the legal validity/enforceability of Council decisions, or Council's ability to legally enforce or litigate breaches of Local Government legislation.

## **CORPORATE/OPERATIONAL PLAN, POLICY REFERENCE**

This report has been prepared in accordance with the following:

### **Corporate Plan 2014-2019 Initiatives:**

#### **Theme 5 – Governance**

*5.2.1 - Provide Councillors and community with accurate, unbiased and factual reporting to enable accountable and transparent decision-making.*

*5.2.2 - Implement adopted policies and guidelines to ensure consistency in administrative management which also encourages innovation in Council operations.*

## **COUNCIL'S ROLE**

Council can play a number of different roles in certain circumstances and it is important to be clear about which role is appropriate for a specific purpose or circumstance. The implementation of actions will be a collective effort and Council's involvement will vary from information only through to full responsibility for delivery.

The following areas outline where Council has a clear responsibility to act:

<b>Regulator</b>	Meeting the responsibilities associated with regulating activities through legislation or local law.
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## CONSULTATION

**Internal:** Relevant Managers and other key staff

## ATTACHMENTS

1. Delegations Update 2018 **[5.5.1]**



**Douglas Shire Council Register of Delegations  
State Legislation  
Council to the Chief Executive Officer**

Council delegates under section 257 (1)(b) of the Local Government Act 2009, the following powers to the Chief Executive Officer.

Chief Executive Officer	Delegation to CEO
	Delegation to Remain with Council
Deleted items	
New and updated items	

Legend

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## REGISTER OF DELEGATIONS COUNCIL TO CEO

*[Nature Conservation (Administration) Regulation 2017]*

<b>DELEGATE</b>	<b>DESCRIPTION OF POWER DELEGATED</b>	<b>LEGISLATION</b>	<b>DATE AND NUMBER OF RESOLUTION</b>	<b>CONDITIONS TO WHICH THE DELEGATION IS SUBJECT</b>
Chief Executive Officer	Power to apply for the grant of a relevant authority and to do all things necessary to process the application to obtain a decision.	Sections 23, 24, 26, 28, 29, 30 <i>Nature Conservation (Administration) Regulation 2006</i>		
Chief Executive Officer	Power to apply for the amendment of a relevant authority.	Section 58 <i>Nature Conservation (Administration) Regulation 2006</i>		
Chief Executive Officer	Power to make representations in response to a notice issued by the Chief Executive pursuant to this section.	Section 60 <i>Nature Conservation (Administration) Regulation 2006</i>		
Chief Executive Officer	Power to make representations in response to a notice issued by the Chief Executive pursuant to this section.	Section 65 <i>Nature Conservation (Administration) Regulation 2006</i>		
Chief Executive Officer	Power to return a relevant authority to the chief executive.	Sections 66(2), 67(2) and 68 <i>Nature Conservation (Administration) Regulation 2006</i>		

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## REGISTER OF DELEGATIONS COUNCIL TO CEO

*[Nature Conservation (Administration) Regulation 2017]*

<b>DELEGATE</b>	<b>DESCRIPTION OF POWER DELEGATED</b>	<b>LEGISLATION</b>	<b>DATE AND NUMBER OF RESOLUTION</b>	<b>CONDITIONS TO WHICH THE DELEGATION IS SUBJECT</b>
Chief Executive Officer	Power to apply to the Chief Executive for replacement of a damaged, destroyed, lost or stolen relevant authority.	Section 80 <i>Nature Conservation (Administration) Regulation 2006</i>		
Chief Executive Officer	Power to surrender a relevant authority to the Chief Executive.	Section 81 <i>Nature Conservation (Administration) Regulation 2006</i>		
Chief Executive Officer	Power to apply for internal review of a reviewable decision and to do all things necessary to process the application to obtain a decision.	Sections 116 and 118 <i>Nature Conservation (Administration) Regulation 2006</i>		
Chief Executive Officer	Power, as a person who is given, or is entitled to be given, a notice under section 117(3) about a decision, to apply to QCAT for external review of the decision.	Section 119 <i>Nature Conservation (Administration) Regulation 2006</i>		
Chief Executive Officer	Power to give a return of operations to the chief executive.	Section 143 <i>Nature Conservation (Administration) Regulation 2006</i>		

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## REGISTER OF DELEGATIONS COUNCIL TO CEO

*[Nature Conservation (Administration) Regulation 2017]*

<b>DELEGATE</b>	<b>DESCRIPTION OF POWER DELEGATED</b>	<b>LEGISLATION</b>	<b>DATE AND NUMBER OF RESOLUTION</b>	<b>CONDITIONS TO WHICH THE DELEGATION IS SUBJECT</b>
Chief Executive Officer	Power to keep a copy of a return of operations given to the chief executive.	Section 145 <i>Nature Conservation (Administration) Regulation 2006</i>		
Chief Executive Officer	Power to give the chief executive a notice stating a return of operations has been stolen, lost, destroyed or damaged.	Section 146 <i>Nature Conservation (Administration) Regulation 2006</i>		

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**REGISTER OF DELEGATIONS**  
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*Peaceful Assembly Act 1992*

<b>DELEGATE</b>	<b>DESCRIPTION OF POWER DELEGATED</b>	<b>LEGISLATION</b>	<b>DATE AND NUMBER OF RESOLUTION</b>	<b>CONDITIONS TO WHICH THE DELEGATION IS SUBJECT</b>
The Chief Executive Officer	Power to nominate an officer of Council as a “representative”.	Section 4 <i>Peaceful Assembly Act 1992</i>		
The Chief Executive Officer	Power, as a local authority, to give a notice under subsection (2)(b) and impose conditions in the notice.	Sections 10(2)(b) and 11 <i>Peaceful Assembly Act 1992</i>		
The Chief Executive Officer	Power, as an owner or occupier, to give a notice under subsection (2)(c).	Section 10(2)(c) <i>Peaceful Assembly Act 1992</i>		
The Chief Executive Officer	Power, as a relevant authority, to consult under subsections (4) or (5).	Sections 11(4) or (5) <i>Peaceful Assembly Act 1992</i>		
The Chief Executive Officer	Power, as a relevant authority, to apply to a Magistrates Court for an order refusing to authorise the holding of the assembly.	Section 12 <i>Peaceful Assembly Act 1992</i>		
The Chief Executive Officer	Power, as a relevant authority, to consult with each interested person.	Section 13(1)(c) <i>Peaceful Assembly Act 1992</i>		
The Chief Executive Officer	Power, as a relevant authority, to engage in a mediation process.	Section 13(1)(d) <i>Peaceful Assembly Act 1992</i>		



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## REGISTER OF DELEGATIONS COUNCIL TO CEO

### *Peaceful Assembly Act 1992*

DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
The Chief Executive Officer	Power, in the circumstances provided in subsection (3), to:- (a) fix a reasonable time and place for holding the consultations; and (b) cause a notice of the time and place to be published in a newspaper circulating in the area in which the assembly is proposed to be held.	Section 13(3) <i>Peaceful Assembly Act 1992</i>		
The Chief Executive Officer	Power, as a relevant authority, to notify the organiser in writing that it does not oppose the holding of the assembly.	Section 15(1) <i>Peaceful Assembly Act 1992</i>		
The Chief Executive Officer	Power, as a relevant authority, to participate in a mediation process.	Section 15(2) <i>Peaceful Assembly Act 1992</i>		

## REGISTER OF DELEGATIONS COUNCIL TO CEO

### State Penalties Enforcement Act 1999

DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
Chief Executive Officer	Power, as administering authority, to approve a form for an infringement notice.	Section 15(1) <i>State Penalties Enforcement Act 1999</i>		
Chief Executive Officer	Power, as administering authority, to approve (or refuse where the conditions in this section have not been complied with) an application for payment of a fine by instalments.	Section 23 <i>State Penalties Enforcement Act 1999</i>		
Chief Executive Officer	Power, as administering authority, to submit particulars required for registration of approval of instalment payments with the State Penalties Enforcement Registry.	Section 24(1) <i>State Penalties Enforcement Act 1999</i>		
Chief Executive Officer	Power, as administering authority, to withdraw an infringement notice at any time before the fine is satisfied in full <u>and take the steps required by subsection (2).</u>	Sections <u>28(1) and (2)</u> <i>State Penalties Enforcement Act 1999</i>		

## REGISTER OF DELEGATIONS COUNCIL TO CEO

### State Penalties Enforcement Act 1999

DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
<a href="#">Chief Executive Officer</a>	Power, as an approved sponsor, to apply to the registrar on behalf of the subject applicant for a work and development order to satisfy all or part of the enforceable amount of the applicant's SPER debt.	<a href="#">Section 32J</a> <a href="#">State Penalties Enforcement Act 1999</a>		
<a href="#">Chief Executive Officer</a>	Power, as an approved sponsor, to undertake an eligibility assessment.	<a href="#">Section 32K</a> <a href="#">State Penalties Enforcement Act 1999</a>		
<a href="#">Chief Executive Officer</a>	Power, as an approved sponsor, to apply to SPER on behalf of the individual for an increase in the order amount.	<a href="#">Section 32O</a> <a href="#">State Penalties Enforcement Act 1999</a>		
<a href="#">Chief Executive Officer</a>	Power, as an approved sponsor, to withdraw the work and development order because the approved sponsor is unable to continue as the approved sponsor.	<a href="#">Section 32P</a> <a href="#">State Penalties Enforcement Act 1999</a>		
<a href="#">Chief Executive Officer</a>	Power, as the recipient of a notice under section 32L, 32O or 32Q, to apply, as provided under the QCAT Act, to QCAT for a review of the decision.	<a href="#">Section 32S</a> <a href="#">State Penalties Enforcement Act 1999</a>		

## REGISTER OF DELEGATIONS COUNCIL TO CEO

### State Penalties Enforcement Act 1999

DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
Chief Executive Officer	Power, as administering authority, to give the State Penalties Enforcement Registry a default certificate for registration in respect of any recipient of an infringement notice who has not taken action within the time period provided by the infringement notice.	Section 33(1) <i>State Penalties Enforcement Act 1999</i>		
<u>Chief Executive Officer</u>	<u>Power, as an approved sponsor who has the agreement of the debtor, to apply on behalf of the debtor under part 3B for:-</u> <u>(a)work and development order to satisfy the amount of the order; or</u> <u>(b)if the debtor is subject to a work and development order – a variation of the order.</u>	<u>Section 41(2)</u> <u><i>State Penalties Enforcement Act 1999</i></u>		
Chief Executive Officer	Power, as administering authority, to (a) commence proceedings against an applicant for an offence; or (b) accept payment of the fine in full; or (c) issue a fresh infringement notice where the registrar has cancelled an enforcement notice and referred the matter back to Council.	Section 57(5) <i>State Penalties Enforcement Act 1999</i>		

## REGISTER OF DELEGATIONS COUNCIL TO CEO

### State Penalties Enforcement Act 1999

DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
<a href="#">Chief Executive Officer</a>	<a href="#">Power, as an employer who pays earnings to an employee for whom a fine collection notice for redirection of the enforcement debtor's earnings is in force, to when paying the earnings, deduct an amount from the earnings as required under Part 5, Division 4.</a>	<a href="#">Section 81 <i>State Penalties Enforcement Act 1999</i></a>		
<a href="#">Chief Executive Officer</a>	<a href="#">Power, as an employer who deducts an amount from an employee's earnings under a fine collection notice, to pay the amount to the registrar and give to the registrar a return in the approved form.</a>	<a href="#">Section 84(1) <i>State Penalties Enforcement Act 1999</i></a>		
<a href="#">Chief Executive Officer</a>	<a href="#">Power, as an employer who does not deduct an amount from an employee's earnings under a fine collection notice, give to the registrar a return in the approved form.</a>	<a href="#">Section 84(2) <i>State Penalties Enforcement Act 1999</i></a>		
<a href="#">Chief Executive Officer</a>	<a href="#">Power, as an employer who pays earnings to an employee while a fine collection notice relating to the employee is in force, to give the employee the written notice required under the subsection.</a>	<a href="#">Section 84(3) <i>State Penalties Enforcement Act 1999</i></a>		
<a href="#">Chief Executive Officer</a>	<a href="#">Power, where an employee to whom a fine collection notice relates stops being an employee while the notice is in force, to give the registrar the written notice of that fact.</a>	<a href="#">Section 84(4) <i>State Penalties Enforcement Act 1999</i></a>		

## REGISTER OF DELEGATIONS COUNCIL TO CEO

### State Penalties Enforcement Act 1999

DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
<a href="#">Chief Executive Officer</a>	<a href="#">Power, as an employer, to keep the records required to be kept by this section.</a>	<a href="#">Section 94 <i>State Penalties Enforcement Act 1999</i></a>		
Chief Executive Officer	Power, as an administering authority, to state any matter in subsection (2) is evidence of the matter.	Section 157(2) <i>State Penalties Enforcement Act 1999</i>		
<a href="#">Chief Executive Officer</a>	<a href="#">Power, as an administering authority, to request the Registrar to give a certificate under subsection (3).</a>	<a href="#">Section 157(4) <i>State Penalties Enforcement Act 1999</i></a>		
Chief Executive Officer	Power to approve forms for use as infringement notices.	Section 162 <i>State Penalties Enforcement Act 1999</i>		

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**Waste Reduction and Recycling Act 2011**

DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
<i>Waste Reduction and Recycling Act 2011</i>	<p><b>NOTE: The State (via DERM as it was previously known) has delegated certain powers of the chief executive to local governments under section 263(1)(b) of the <i>Waste Reduction and Recycling Act 2011</i> This has been done via:</b></p> <p><b>the Waste Reduction and Recycling (Local Government) Delegation (No. 1) 2015.</b></p> <p><b>The delegations specifically include the power to sub-delegate to an “appropriately qualified entity”</b></p>			
Chief Executive Officer	Power, as the operator of a waste disposal site required to hold an environmental authority for the disposal of more than 10000t of waste in a year at the site to install prescribed under a regulation, to install and keep in proper working order, a weighbridge (Nb. this obligation does not come into operation until the day provided in section 8(2) of the Regulation).	Section 43 <i>Waste Reduction and Recycling Act 2011</i>		

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**Waste Reduction and Recycling Act 2011**

<b>DELEGATE</b>	<b>DESCRIPTION OF POWER DELEGATED</b>	<b>LEGISLATION</b>	<b>DATE AND NUMBER OF RESOLUTION</b>	<b>CONDITIONS TO WHICH THE DELEGATION IS SUBJECT</b>
Chief Executive Officer	Power, as the operator of a waste disposal site at which a weighbridge is installed, to measure and record waste.	Section 44 <i>Waste Reduction and Recycling Act 2011</i>		
Chief Executive Officer	Power, as the operator of a waste disposal site, to prepare a waste data return for each reporting period.	Section 52 <i>Waste Reduction and Recycling Act 2011</i>		
Chief Executive Officer	Power to apply to the chief executive for accreditation as scheme manager for a voluntary product stewardship scheme.	Section 89 <i>Waste Reduction and Recycling Act 2011</i>		
Chief Executive Officer	Power, as a participant in an accredited stewardship scheme, to amend the scheme by agreement with all other participants in the scheme.	Section 95 <i>Waste Reduction and Recycling Act 2011</i>		
Chief Executive Officer	Power, as scheme manager of an accredited stewardship scheme that the minister is proposing to revoke, to make written submissions to show why the proposed action to revoke the accreditation should not be taken.	Section 97 <i>Waste Reduction and Recycling Act 2011</i>		
Chief Executive Officer	Power, as the operator of a container refund point, to enter a container collection agreement with the Organisation.	Section 99ZA <i>Waste Reduction and Recycling Act 2011</i>		



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**Waste Reduction and Recycling Act 2011**

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Chief Executive Officer	Power, as the operator of a material recovery facility, to enter a material recovery agreement with the Organisation.	Section 99ZF <i>Waste Reduction and Recycling Act 2011</i>		
Chief Executive Officer	Power, as the operator of a material recovery facility, to comply with the recovery amount protocol.	Section 99ZL <i>Waste Reduction and Recycling Act 2011</i>		
Chief Executive Officer	Power, as delegate of the chief executive administering the Act, to give a notice to an adult person.	Section 110 <i>Waste Reduction and Recycling Act 2011</i>		As this power relates to Chapter 5, Part 2 of the Act.
Chief Executive Officer	Power, as delegate of the chief executive administering the Act, to give a notice to an adult person.	Section 111 <i>Waste Reduction and Recycling Act 2011</i>		As this power relates to Chapter 5, Part 2 of the Act.
Chief Executive Officer	Power, as delegate of the chief executive administering the Act, to direct a responsible entity to collect material from premises.	Section 112 <i>Waste Reduction and Recycling Act 2011</i>		As this power relates to Chapter 5, Part 2 of the Act.
Chief Executive Officer	Power, as a local government, to prepare and implement a waste reduction and recycling plan (Nb. this obligation does not commence until 30 June 2015).	Section 123 <i>Waste Reduction and Recycling Act 2011</i>		

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**Waste Reduction and Recycling Act 2011**

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Chief Executive Officer	Power to make written submissions where the chief executive intends to prepare a waste reduction and recycling plan for the local government to address an aspect that is relevant to the local government.	Section 128 <i>Waste Reduction and Recycling Act 2011</i>		
Chief Executive Officer	Power, as a local government, to give the chief executive a report about the operation, in the financial year, of all the local government's waste reduction and recycling plans in force in its local government area (Nb. this obligation does not commence until 2 months after 30 June 2015).	Section 147 <i>Waste Reduction and Recycling Act 2011</i>		
Chief Executive Officer	Power, as a reporting entity, to give the chief executive a report about the entity's receiving, sorting, recycling, treatment or disposal of waste in the financial year.	Section 152 <i>Waste Reduction and Recycling Act 2011</i>		
Chief Executive Officer	Power to make a submission about a potential end of waste code	Section 160 <i>Waste Reduction and Recycling Act 2011</i>		

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**Waste Reduction and Recycling Act 2011**

<b>DELEGATE</b>	<b>DESCRIPTION OF POWER DELEGATED</b>	<b>LEGISLATION</b>	<b>DATE AND NUMBER OF RESOLUTION</b>	<b>CONDITIONS TO WHICH THE DELEGATION IS SUBJECT</b>
Chief Executive Officer	Power to make a submission about a draft end of waste code	Section 165 <i>Waste Reduction and Recycling Act 2011</i>		
Chief Executive Officer	Power to apply to amend an end of waste code	Section 168 <i>Waste Reduction and Recycling Act 2011</i>		
Chief Executive Officer	Power to apply to amend an end of waste code	Section 168 <i>Waste Reduction and Recycling Act 2011</i>		
Chief Executive Officer	<del>Power to respond to a request from the chief executive for further information on an amendment application and agree to extend the stated period.</del>	<del>Section 170 <i>Waste Reduction and Recycling Act 2011</i></del>		

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Chief Executive Officer	Power, in relation to an end of waste code which the chief executive proposes to amend, cancel or suspend, to make written submissions about the proposed action.	Section 172 <i>Waste Reduction and Recycling Act 2011</i>		
Chief Executive Officer	Power to give the chief executive a notice stating that Council intends to become a registered resource producer for the code.	Section 173B(1) <i>Waste Reduction and Recycling Act 2011</i>		
<u>Chief Executive Officer</u>	<u>Power to give the chief executive a notice in the approved form.</u>	<u>Section 173B(3)</u> <u><i>Waste Reduction and Recycling Act 2011</i></u>		
Chief Executive Officer	Power to <del>respond</del> <u>make a submission in response to a</u> notice issued by the chief executive.	Section 173D <i>Waste Reduction and Recycling Act 2011</i>		

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**Waste Reduction and Recycling Act 2011**

DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
Chief Executive Officer	Power to respond to a request for advice, comment or information about the operation of an end of waste code issued by the chief executive.	Section 173H <i>Waste Reduction and Recycling Act 2011</i>		
Chief Executive Officer	Power to apply to the chief executive <del>for an end of waste approval</del> <u>to conduct a trial</u> for 1 kind of waste.	Section 173I <i>Waste Reduction and Recycling Act 2011</i>		
<del>Chief Executive Officer</del>	<del>Power to respond to a request from the chief executive for further information or documents required to decide the end of waste approval application and to agree to extend the stated period.</del>	<del>Section 173J <i>Waste Reduction and Recycling Act 2011</i></del>		
Chief Executive Officer	Power to comply with the conditions of an end of waste approval.	Section <del>173P</del> <u>173K</u> <i>Waste Reduction and Recycling Act 2011</i>		
Chief Executive Officer	Power to apply to the chief executive to extend an end of waste approval.	Section <del>173Q</del> <u>173L</u> <i>Waste Reduction and Recycling Act 2011</i>		
Chief Executive Officer	Power to apply to the chief executive to amend <del>or transfer</del> an end of waste approval.	Section <del>173S</del> <u>173M</u> <i>Waste Reduction and Recycling Act 2011</i>		

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**Waste Reduction and Recycling Act 2011**

DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
<u>Chief Executive Officer</u>	<u>Power to apply to the chief executive to transfer an end of waste approval.</u>	<u>Section 173Q</u> <u>Waste Reduction and Recycling Act 2011</u>		
<u>Chief Executive Officer</u>	<u>Power to respond to a request from the chief executive for advice, comment or information about the operation of Chapter 8, Part 3.</u>	<u>Section 173Q</u> <u>Waste Reduction and Recycling Act 2011</u>		
Chief Executive Officer	Power to respond to a request from the chief executive for further information or documents required to decide the amendment application and to agree to extend the stated period.	Section 173T <i>Waste Reduction and Recycling Act 2011</i>		
<del>Chief Executive Officer</del>	<del>Power to respond to a notice received from the chief executive proposing to amend, cancel or suspend an end of waste approval.</del>	<del>Section 173Y(3)(f)</del> <del>Waste Reduction and Recycling Act 2011</del>		
<del>Chief Executive Officer</del>	<del>Power to surrender an end of waste approval by giving notice to the chief executive.</del>	<del>Section 173ZA</del> <del>Waste Reduction and Recycling Act 2011</del>		
Chief Executive Officer	Power to respond to a <u>show cause notice</u> from the chief executive <del>requiring information about an end of waste approval.</del>	Section 173ZB <i>Waste Reduction and Recycling Act 2011</i>		

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**Waste Reduction and Recycling Act 2011**

<b>DELEGATE</b>	<b>DESCRIPTION OF POWER DELEGATED</b>	<b>LEGISLATION</b>	<b>DATE AND NUMBER OF RESOLUTION</b>	<b>CONDITIONS TO WHICH THE DELEGATION IS SUBJECT</b>
Chief Executive Officer	<del>Power to give the chief executive advice, comment or information about the operation of Chapter 8, Part 3.</del>	<del>Section 173ZC Waste Reduction and Recycling Act 2011</del>		
<u>Chief Executive Officer</u>	<u>Power to surrender an approval by giving notice to the chief executive officer.</u>	<u>Section 173ZE Waste Reduction and Recycling Act 2011</u>		
<u>Chief Executive Officer</u>	<u>Power to respond to a notice from the chief executive requiring information about an approval.</u>	<u>Section 173ZF Waste Reduction and Recycling Act 2011</u>		
Chief Executive Officer	Power, where given, or entitled to be given, an information notice for a decision, to apply to the chief executive for an internal review of the decision.	Section 175 Waste Reduction and Recycling Act 2011		
Chief Executive Officer	Power to, as delegate of the chief executive administering the Act, apply for an internal review of the decision.	Section 175 Waste Reduction and Recycling Act 2011		As this power relates to sections 248(2) and 253(3) of the Act.
Chief Executive Officer	Power to, as delegate of the chief executive administering the Act, extend the time for making an internal review application.	Section 176(2) Waste Reduction and Recycling Act 2011		As this power relates to sections 248(2) and 253(3) of the Act.
Chief Executive Officer	Power, where an internal review application has been made, to apply for a stay of the original decision.	Section 177 Waste Reduction and Recycling Act 2011		

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**Waste Reduction and Recycling Act 2011**

<b>DELEGATE</b>	<b>DESCRIPTION OF POWER DELEGATED</b>	<b>LEGISLATION</b>	<b>DATE AND NUMBER OF RESOLUTION</b>	<b>CONDITIONS TO WHICH THE DELEGATION IS SUBJECT</b>
Chief Executive Officer	Power to, as delegate of the chief executive administering the Act, conduct an internal review of the original decision and decide the internal review application.	Section 178 <i>Waste Reduction and Recycling Act 2011</i>		As this power relates to sections 248(2) and 253(3) of the Act.
Chief Executive Officer	Power to, as delegate of the chief executive administering the Act, give notice of an internal review decision.	Section 179 <i>Waste Reduction and Recycling Act 2011</i>		As this power relates to sections 248(2) and 253(3) of the Act.
Chief Executive Officer	Power, where given, or entitled to be given, a QCAT information notice under section 179 of the <i>Waste Reduction and Recycling Act 2011</i> , to apply to QCAT, under the QCAT Act, for external review of the decision.	Section 180 <i>Waste Reduction and Recycling Act 2011</i>		
Chief Executive Officer	Power, as delegate of the chief executive administering the Act, to appoint a person as an authorised person.	Section 183 <i>Waste Reduction and Recycling Act 2011</i> and		Any appointment of an authorised person must be subject to the limitation that an authorised person can only exercise the powers in section 117 and Chapter 10 of the Act in relation to the following offences: - Chapter 5, Parts 1, 2 and 3, Division 1 and 2 of the Act; - Section 251(a); - Section 251(c); - Section 254; and Section 264



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**REGISTER OF DELEGATIONS**  
**COUNCIL TO CEO**

**Waste Reduction and Recycling Act 2011**

<b>DELEGATE</b>	<b>DESCRIPTION OF POWER DELEGATED</b>	<b>LEGISLATION</b>	<b>DATE AND NUMBER OF RESOLUTION</b>	<b>CONDITIONS TO WHICH THE DELEGATION IS SUBJEC</b>
Chief Executive Officer	Power, as delegate of the chief executive administering the Act, to issue an identity card to an authorised person.	Section 187 <i>Waste Reduction and Recycling Act 2011</i>		
Chief Executive Officer	Power, as delegate of the chief executive administering the Act, to give a show cause notice.	Section 246 <i>Waste Reduction and Recycling Act 2011</i>		As this power relates to sections 103(1), 104(1), 107(1), 108, 109(1) or (2) and 112(2) of the Act.
Chief Executive Officer	Power, as delegate of the chief executive administering the Act, to give a compliance notice	Sections 248 and 249 <i>Waste Reduction and Recycling Act 2011</i>		As this power relates to sections 103(1), 104(1), 107(1), 108, 109(1) or (2) and 112(2) of the Act.
Chief Executive Officer	Power, as delegate of the chief executive administering the Act, to give a notice requiring the person to commission a waste audit and to provide a waste report on the audit.	Sections 253 <i>Waste Reduction and Recycling Act 2011</i>		As this power relates to section 104 of the Act.
Chief Executive Officer	Power to bring a proceeding in a Magistrates Court for an order to remedy or restrain an offence against the Act. or a threatened or anticipated offence against the Act.	Sections 261 <i>Waste Reduction and Recycling Act 2011</i>		

## REGISTER OF DELEGATIONS COUNCIL TO CEO

### Work Health and Safety Act 2011

DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
Chief Executive Officer	Power to notify the regulator after becoming aware a notifiable incident has occurred	Section 38 <i>Work Health and Safety Act 2011</i>		
Chief Executive Officer	Power to consult with workers who are, or are likely to be, directly affected by a matter relating to work health or safety	Section 47 <i>Work Health and Safety Act 2011</i>		
Chief Executive Officer	Power to facilitate the conduct of an election for 1 or more health and safety representatives to represent workers	Sections 51 to 54 <i>Work Health and Safety Act 2011</i>		
Chief Executive Officer	Power to make an application to the commission to disqualify a health and safety representative.	Section 65 <i>Work Health and Safety Act 2011</i>		
<u>Chief Executive Officer</u>	<u>Power to comply with the general obligations of a person conducting a business or undertaking provided in section 70.</u>	<u>Section 70 <i>Work Health and Safety Act 2011</i></u>		
Chief Executive Officer	Power to refuse on reasonable grounds to grant access to the workplace to a person assisting a health and safety representative for a workgroup.	Section 71(5) <i>Work Health and Safety Act 2011</i>		

## REGISTER OF DELEGATIONS COUNCIL TO CEO

### Work Health and Safety Act 2011

DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
Chief Executive Officer	Power to ask the regulator to appoint an inspector to decide the matter.	Section 72(5) <i>Work Health and Safety Act 2011</i>		
<u>Chief Executive Officer</u>	<u>Power as a person conducting a business or undertaking to comply with subsections (a) to (c).</u>	<u>Section 74 Work Health and Safety Act 2011</u>		
Chief Executive Officer	Power to establish a health and safety committee.	Sections 75 to 78 <i>Work Health and Safety Act 2011</i>		
Chief Executive Officer	Power, as a party to an issue, to resolve the issue in accordance with an agreed procedure or the default procedure.	Section 80 and 81 <i>Work Health and Safety Act 2011</i>		
Chief Executive Officer	Power to ask the regulator to appoint an inspector to assist in resolving the issue.	Section 82(2) <i>Work Health and Safety Act 2011</i>		
Chief Executive Officer	Power to direct the worker to carry out suitable alternative work at the same or another workplace.	Section 87 <i>Work Health and Safety Act 2011</i>		

## REGISTER OF DELEGATIONS COUNCIL TO CEO

### Work Health and Safety Act 2011

DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
Chief Executive Officer	Power to ask the regulator to appoint an inspector to attend the workplace to assist in resolving an issue arising from a cessation of work.	Section 89 <i>Work Health and Safety Act 2011</i>		
<u>Chief Executive Officer</u>	<u>Power to give a copy of the provisional improvement notice to the regulator.</u>	<u>Section 97A <i>Work Health and Safety Act 2011</i></u>		
<u>Chief Executive Officer</u>	<u>Power to give the industrial registrar written notice of the dispute.</u>	<u>Section 102B <i>Work Health and Safety Act 2011</i></u>		
<u>Chief Executive Officer</u>	<u>Power to appeal a decision of the Commission given under Part 5, Division 7A.</u>	<u>Section 102G <i>Work Health and Safety Act 2011</i></u>		
Chief Executive Officer	Power to apply to the Commission to revoke a WHS entry permit.	Section 138 <i>Work Health and Safety Act 2011</i>		
Chief Executive Officer	Power to appeal a decision of the commission.	Section 140 <i>Work Health and Safety Act 2011</i>		

## REGISTER OF DELEGATIONS COUNCIL TO CEO

### Work Health and Safety Act 2011

DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
Chief Executive Officer	Power to ask the regulator to appoint an inspector to attend the workplace to assist in resolving the dispute.	Section 141 <i>Work Health and Safety Act 2011</i>		
Chief Executive Officer	Power to apply to the Commission for it to deal with the dispute.	Section 142(4) <i>Work Health and Safety Act 2011</i>		
<u>Chief Executive Officer</u>	<u>Power to appeal a decision of the Commission.</u>	<u>Section 142A</u> <u><i>Work Health and Safety Act 2011</i></u>		
Chief Executive Officer	Power to apply to the regulator for the return of a seized thing.	Section 180 <i>Work Health and Safety Act 2011</i>		
Chief Executive Officer	Power to demand that the regulator allow the CEO to inspect a seized thing and if the seized thing is a document to make copies of it.	Section 181 <i>Work Health and Safety Act 2011</i>		

## REGISTER OF DELEGATIONS COUNCIL TO CEO

### Work Health and Safety Act 2011

DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
Chief Executive Officer	Power to claim compensation from the State.	Section 184 <i>Work Health and Safety Act 2011</i>		
Chief Executive Officer	Power to make a written undertaking (a WHS undertaking) in connection with a matter relating to a contravention or alleged contravention of the <i>Work Health and Safety Act</i> .	Section 216 <i>Work Health and Safety Act 2011</i>		
Chief Executive Officer	Power, as a person who has made a WHS undertaking, to at any time, with the agreement of the regulator, withdraw the undertaking or vary the undertaking.	Section 221 <i>Work Health and Safety Act 2011</i>		
Chief Executive Officer	Power, as an eligible person in relation to a reviewable decision to apply to the regulator for an internal review of the decision.	Section 224 <i>Work Health and Safety Act 2011</i>		
Chief Executive Officer	Power, as an eligible person to apply to the external review body for review of a reviewable decision made by the regulator or a decision made, or taken to have been made, on an internal review.	Section 229 to 229E <i>Work Health and Safety Act 2011</i>		

## REGISTER OF DELEGATIONS COUNCIL TO CEO

### Work Health and Safety Act 2011

DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
Chief Executive Officer	Power to appeal a decision of the commission.	Section 229F <i>Work Health and Safety Act 2011</i>		
<u>Chief Executive Officer</u>	<u>Power to, in the circumstances provided in subsections (1) or (1A), make a written request to the regulator that a prosecution be brought.</u>	<u>Sections 231(1) and (1A) <i>Work Health and Safety Act 2011</i></u>		
<u>Chief Executive Officer</u>	<u>Power to, in the circumstances provided in subsection (3), request the regulator to refer the matter to the director of public prosecutions.</u>	<u>Section 231(3) <i>Work Health and Safety Act 2011</i></u>		