

REGISTER OF DELEGATIONS COUNCIL TO CEO

Local Government Act 2009

NO .	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to conduct a joint government activity.	<u>Section 10 Local Government Act 2009</u>		No further delegation. Objective is consistent with Operational Plan and Budget.
	Chief Executive Officer	Power to:- (a) review whether each of its divisions has a reasonable proportion of electors; and (b) give the electoral commissioner and the Minister written notice of the results of the review no later than 1 March in the year before the quadrennial elections.	<u>Section 16 Local Government Act 2009</u>		No further delegation
	Chief Executive Officer	Power to apply to the change commission to assess whether a local government change other than a local government change made under the 2007 reform process should be made.	<u>Section 18 Local Government Act 2009</u>		Requires Council Resolution to act
	Chief Executive Officer	Power to make submissions to the change commission in response to a request for submissions in relation to a proposed local government change.	<u>Section 19 Local Government Act 2009</u>		Requires Council approval of submission

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	Chief Executive Officer	Power to decide the local government's process for making a local law consistent with sections 29A and 29B of the <i>Local Government Act 2009</i> .	<u>Section 29 Local Government Act 2009</u>		The process must be consistent with Sections 29A and 29B.
	Chief Executive Officer	Power to consult with relevant government entities about the overall State interest in a proposed local law.	<u>Section 29A(2) Local Government Act 2009</u>		
	Chief Executive Officer	Power to review provisions of a local government's local laws in accordance with section 33 of the <i>Local Government Act 2009</i> .	<u>Section 33 Local Government Act 2009</u>		
	Chief Executive Officer	Power to consult with local government employees affected by a beneficial enterprise or an industrial association representing the employees in relation to a proposed beneficial enterprise of the local government.	<u>Section 40 Local Government Act 2009</u>		

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	Chief Executive Officer	Power to seek approval of the Department's chief executive before the local government invests in a beneficial enterprise when the amount of the investment is not identified as a capital expenditure in the budget or invest in a beneficial enterprise an amount prescribed under a regulation.	<u>Section 42(6) Local Government Act 2009</u>		
	Chief Executive Officer	Power to conduct a public benefit assessment of a new significant business activity	<u>Section 46(2) Local Government Act 2009</u>		
	Chief Executive Officer	Power to prepare a report on the public benefit assessment in accordance with section 46(5) of the <i>Local Government Act 2009</i> .	<u>Section 46(5) Local Government Act 2009</u>		
	Chief Executive Officer	Power to make an application to a Supreme Court or District Court for an order for the examination of a person about the management, administration or affairs of a corporate entity of the local government.	<u>Section 55 Local Government Act 2009</u>		No further delegation

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	Chief Executive Officer	Power to exercise control of all roads in the local government area including the ability to survey and resurvey roads, construct, maintain and improve roads, approve the naming and numbering of private roads, and name and number other roads.	<u>Section 60 Local Government Act 2009</u>		
	Chief Executive Officer	Power to give the owner of land a notice of intention to acquire land.	<u>Section 61 Local Government Act 2009</u>		
	Chief Executive Officer	Power to lodge the copy of a notice of intention to acquire land with the Registrar of Titles for registration on the instrument of title to the land.	<u>Section 61(6) Local Government Act 2009</u>		
	Chief Executive Officer	Power to decide a claim for compensation for a notice of intention to acquire land.	<u>Section 62 Local Government Act 2009</u>		
	Chief Executive Officer	Power to acquire land after service of notice of intention to acquire instead of paying compensation for injurious affection.	<u>Section 64 Local Government Act 2009</u>		

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	Chief Executive Officer	Power to assess compensation for acquisition of land.	<u>Section 64 Local Government Act 2009</u>		
	Chief Executive Officer	Power to serve notice of decision not to proceed to acquire land the subject of a notice of intention to acquire.	<u>Section 65(3) Local Government Act 2009</u>		
	Chief Executive Officer	Power to withdraw notice of intention to acquire land.	<u>Section 65(4) Local Government Act 2009</u>		
	Chief Executive Officer	Power to lodge with Registrar of Titles for registration a notice of a decision not to proceed with, or to withdraw, notice of intention of realignment of road or part of road.	<u>Section 65(4) Local Government Act 2009</u>		
	Chief Executive Officer	Power to assess and pay the owner of land reasonable compensation for decrease in value of land because of decision not to proceed with realignment of a road or part of a road after giving a notice of intention to acquire land and the local government has made structural improvements on land that adjoins the road.	<u>Section 66 Local Government Act 2009</u>		

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	Chief Executive Officer	Power to acquire land that adjoins a road for use as a footpath.	<u>Section 67 Local Government Act 2009</u>		
	Chief Executive Officer	Power to submit objection to application for opening or closing of road in local government area by someone other than the local government.	<u>Section 68 Local Government Act 2009</u>		
	Chief Executive Officer	Power to close a road (permanently or temporarily) to traffic or particular traffic subject to section 69(1) of the <i>Local Government Act 2009</i> .	<u>Section 69(1) Local Government Act 2009</u>		Permanent closure requires Council resolution. Temporary closure to be reported to Council.
	Chief Executive Officer	Power to close a road to traffic: (a) during a temporary obstruction to traffic; or (b) if it is in the interests of public safety; or (c) if it is necessary or desirable to close the road for a temporary purpose (including a fair, for example).	<u>Section 69(2) Local Government Act 2009</u>		Sub-delegation to Director Engineering.

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	Chief Executive Officer	Power to publish notice of closing of road.	<u>Section 69(3) Local Government Act 2009</u>		
	Chief Executive Officer	Power to do everything necessary to stop traffic using the road after it is closed.	<u>Section 69(4) Local Government Act 2009</u>		
	Chief Executive Officer	Power to permit the use of any part of a road after it is closed to traffic for a temporary purpose subject to appropriate conditions.	<u>Section 69(5) Local Government Act 2009</u>		
	Chief Executive Officer	Power to make a temporary road through land adjoining the road to be used while the road is being remade or repaired.	<u>Section 70(2) Local Government Act 2009</u>		The owner or occupier has agreed in writing that the Council employee or contractor may enter the land; OR Council has given at least three days written notice
	Chief Executive Officer	Power to agree with owner or occupier of land regarding local government entry and the giving of written or oral notice as specified in section 70(3) and (4) of the <i>Local Government Act 2009</i> .	<u>Section 70(3) and (4) Local Government Act 2009</u>		

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	Chief Executive Officer	Power to agree with owner of land amount of compensation for physical damage caused by local government entering, occupying or using land under section 70 of the <i>Local Government Act 2009</i> .	<u>Section 70(7) and (8) Local Government Act 2009</u>		
	Chief Executive Officer	Power to fix and advise the owner or occupier or change the permanent level of a road under section 71 of the <i>Local Government Act 2009</i> .	<u>Section 71 Local Government Act 2009</u>		
	Chief Executive Officer	Power to agree the amount of compensation payable under section 71 of the <i>Local Government Act 2009</i> .	<u>Section 71 Local Government Act 2009</u>		
	Chief Executive Officer	Power to assess impact on roads of specified activities under section 72 of the <i>Local Government Act 2009</i> .	<u>Section 72 Local Government Act 2009</u>		
	Chief Executive Officer	Power to require entity conducting activity on road to provide information under section 72 of the <i>Local Government Act 2009</i> .	<u>Section 72 Local Government Act 2009</u>		Action to be reported to Council

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	Chief Executive Officer	Power to give the entity conducting an activity a direction about the use of the road to lessen the impact and to require the entity to carry out works to lessen the impact or to pay an amount as compensation for the impact.	<u>Section 72 (3) Local Government Act 2009</u>		
	Chief Executive Officer	Power to categorise the roads in the local government area according to the surface of the road.	<u>Section 73 Local Government Act 2009</u>		
	Chief Executive Officer	Power to prepare and keep up to date a map of every road including private roads in the local government area and a register of roads showing the category of every road, the level of every road that has a fixed level and other particulars prescribed under a regulation.	<u>Section 74 Local Government Act 2009</u>		Sub-delegation to Director Engineering
	Chief Executive Officer	Power to approve the carrying out of works on a road or interference with a road or its operation subject to conditions.	<u>Section 75 Local Government Act 2009</u>		

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	Chief Executive Officer	Power to, by written notice, require the owner of a property to connect a stormwater installation for the property to the local government's stormwater drain in the way, under the conditions and within the time stated in the notice.	<u>Section 77 Local Government Act 2009</u>		
	Chief Executive Officer	Power to give approval for the connection of a stormwater installation to the local government's stormwater drain (including the imposition of conditions) in accordance with section 77 of the <i>Local Government Act 2009</i> .	<u>Section 77 Local Government Act 2009</u>		
	Chief Executive Officer	Power to give a notice requiring the owner of a property to perform sewerage installation works.	<u>Section 78 Local Government Act 2009</u>		
	Chief Executive Officer	Power to perform work to fix damage and recover reasonable costs for the work from a person who puts a prohibited substance in the stormwater drain.	<u>Section 79 Local Government Act 2009</u>		

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	Chief Executive Officer	Power to provide a ferry service across a water course under section 80B of the <i>Local Government Act 2009</i> including the leasing of the right to provide the ferry service.	<u>Section 80B Local Government Act 2009</u>		
	Chief Executive Officer	Power to register a charge over land for overdue rates and charges under section 95 of the <i>Local Government Act 2009</i> .	<u>Section 95 Local Government Act 2009</u>		
	Chief Executive Officer	Power to lodge documents with the Registrar of Titles for release of the charge if overdue rates and charges are paid.	<u>Section 95 Local Government Act 2009</u>		
	Chief Executive Officer	Power to issue other remedies to recover overdue rates and charges.	<u>Section 95(6) Local Government Act 2009</u>		
	Chief Executive Officer	Power to implement systems to meet financial sustainability criteria under section 102 of the <i>Local Government Act 2009</i> .	<u>Section 102 Local Government Act 2009</u>		

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	Chief Executive Officer	Power to establish a system of financial management that complies with the requirements prescribed under a Regulation and to regularly review the performance of the system of financial management.	<u>Section 103 Local Government Act 2009</u>		
	Chief Executive Officer	Power to conduct and report on the results of an annual review of the implementation of the local government's annual operational plan, 5-year corporate plan and long-term community plan.	<u>Section 104(7) Local Government Act 2009</u>		
	Chief Executive Officer	Power to establish an efficient and effective internal audit function.	<u>Section 105(1) Local Government Act 2009</u>		
	Chief Executive Officer	Power to maintain public liability insurance and professional indemnity insurance.	<u>Section 107(1) Local Government Act 2009</u>		
	Chief Executive Officer	Power to enter into a contract of insurance with WorkCover Queensland or another insurer to cover its councillors.	<u>Section 107(3) Local Government Act 2009</u>		

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	Chief Executive Officer	Power to give the public notice (in a newspaper circulating generally in the local government area in accordance with section 110(2) of the <i>Local Government Act 2009</i>) of the disbursement of funds not provided for in the local government's budget for the financial year and made without the approval of the local government by resolution.	<u>Section 110 Local Government Act 2009</u>		
	Chief Executive Officer	Power to give or to attempt to give an occupier of a property a written notice that informs the occupier of the local government's intention to enter the property, the reason for entering the property and an estimation of when the property will be entered.	<u>Section 133 Local Government Act 2009</u>		
	Chief Executive Officer	Power to assess, agree and pay compensation for damage or loss incurred by a person because of the exercise, or purported exercise, of a power under division 1 part 2 chapter 5 of the <i>Local Government Act 2009</i> .	<u>Section 138 Local Government Act 2009</u>		

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	Chief Executive Officer	Power to authorise an employee or agent of the local government to act as a local government worker.	<u>Section 140 Local Government Act 2009</u>		
	Chief Executive Officer	Power to give a remedial notice to the owner of a property.	<u>Section 142 Local Government Act 2009</u>		
	Chief Executive Officer	Power to give reasonable written notice to the owner and the occupier of a property that a local government worker may enter the property and take action required under a remedial notice.	<u>Section 142 Local Government Act 2009</u>		
	Chief Executive Officer	Power to recover as a debt the amount that the local government properly and reasonably incurs in taking the action that is required under a remedial notice where the owner and the occupier of the property failed to take the action required under the remedial notice.	<u>Section 142 Local Government Act 2009</u>		
	Chief Executive Officer	Power to recover an amount payable under section 142 of the <i>Local Government Act 2009</i> as if the amount were an overdue rate.	<u>Section 138 Local Government Act 2009</u>		

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	Chief Executive Officer	Power to give reasonable notice to the owner and the occupier of rateable land of entry by a local government worker to search for and remove materials.	<u>Section 143 Local Government Act 2009</u>		
	Chief Executive Officer	Power to agree and to pay the amount of compensation payable to a person who incurs damage or loss during the course of the exercise, or purported exercise, of a power under division 2, part 2, chapter 5 of the <i>Local Government Act 2009</i> .	<u>Section 147 Local Government Act 2009</u>		
	Chief Executive Officer	Power to give written notice of a complaint about the conduct or performance of a councillor to the chief executive officer.	<u>Section 177(2) Local Government Act 2009</u>		
	Chief Executive Officer	Power to decide conditions of employment of local government employees.	<u>Section 196 Local Government Act 2009</u>		
	Chief Executive Officer	Power to agree with other local governments about the joint employment of a local government employee.	<u>Section 198 Local Government Act 2009</u>		

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	Chief Executive Officer	Power to enter into an arrangement of a councillor under which – (a) the councillor agrees to forgo a percentage or amount of the remuneration that the councillor is entitled to as a councillor; and (b) the local government agrees to contribute the percentage or amount to the superannuation scheme for the councillor.	<u>Section 226(4) Local Government Act 2009</u>		
	Chief Executive Officer	Power to make a submission as a local governing body within the meaning of the Local Government (Financial Assistance) Act to assist the Local Government Grants Commission to make a decision about funding under the Local Government (Financial Assistance) Act.	<u>Section 228(4) Local Government Act 2009</u>		
	Chief Executive Officer	Power to sign a document on behalf of a local government as a delegate of the local government.	<u>Section 236 Local Government Act 2009</u>		

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	Chief Executive Officer	Power to effect substituted service on an owner of rateable land.	<u>Section 239 Local Government Act 2009</u>		
	Chief Executive Officer	Power to authorise an employee in any legal proceedings – (a) to give instructions and act as the authorised agent for the local government; and (b) sign all documents for the local government.	<u>Section 240(1) Local Government Act 2009</u>		
	Chief Executive Officer	Power to do anything that is necessary or convenient for performing the responsibilities of the local government under a Local Government Act.	<u>Section 262 Local Government Act 2009</u>		

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	Chief Executive Officer	Power to apply to the Minister for approval to make a major policy decision during the caretaker period for an election for the local government.	<u>Section 284 and Schedule 2 Local Government Act 2009</u> – section 441D <i>Local Government Act 1993 – note section 284 and schedule 2 expire on 31 December 2011</i>		