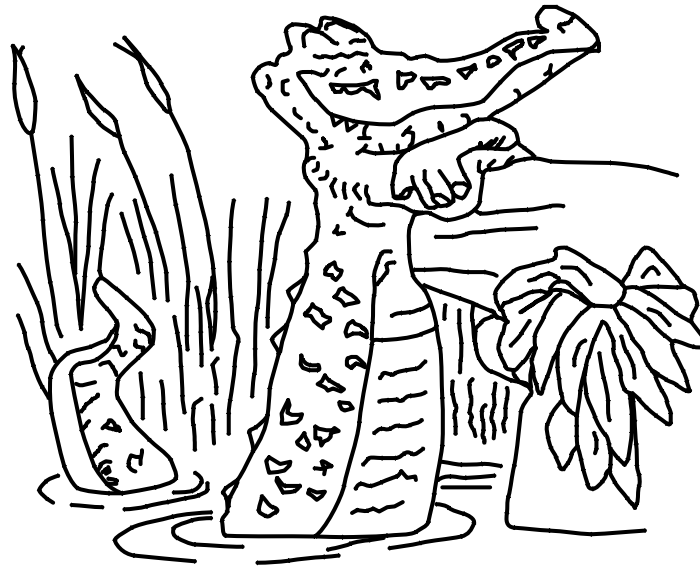


BURKE SHIRE COUNCIL



Minutes of Ordinary Meeting

held on

15 April 2009

UNCONFIRMED

INDEX

01. PRESENT	1
02. OPENING OF MEETING	1
03. PRAYER.....	1
04. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS.....	1
Minutes from Ordinary Meeting 18 March 2009	1
05. MAYORAL MINUTE AND REPORT	1
EMQ Services to Gulf during Flood.....	1
Wild Rivers Designation	1
06. COUNCILLOR REPORTS	2
07. CHIEF EXECUTIVE OFFICERS REPORTS.....	2
09.02.01 Update of Delegations	2
09.02.02 Gulf Area Community Social Development Trust – Local Stakeholder Reference Group .	3
09.02.03 LGAQ – Advice of Study Tour to United States and Canada	3
09.02.04 CMC – Regional Visits.....	3
09.02.05 Primary Industries and Fisheries – Community Jobs Plan.....	3
09-02-06 Gulf Savannah Development – Offer of Small Business Advisory Services	4
09-02-07 Policy on Replacement of Water Filters	4
09.02.08 Impounding Local Law.....	5
09.02.09 Northern Alliance for Roads associated with Indigenous Communities	5
09.02.10 Gregory Park - Naming	6
09.02.11 Appointment of Acting Chief Executive Officer.....	6
08. WORKS MANAGER REPORTS.....	6
10.02.01 Roads Alliance Board – Participation in Net Risk Assessment and asset data collection	6
10.02.02 Roads to Recovery (R2R) Program July 2009 to June 2014	7

09. MANAGER CORPORATE SERVICES REPORTS.....	7
11.02.01 RADF Funding – Council Project – Photographic book of Burke Shire	7
11.02.02 North & West Queensland Primary Health Care – Request for Assistance.....	8
11.02.04 Country & Regional Living Expo.....	8
11.02.05 Schools First Workshop.....	8
11.02.06 Bank Accounts.....	9
10. URGENT MATTERS REQUIRING COUNCIL DECISION	9
Change in Meeting Dates and Special Meeting	9
10. CLOSED SESSION REPORTS.....	9
Position of Chief Executive Officer	10
11. CLOSURE OF MEETING.....	10
12. MINUTES CERTIFICATE	10
 ATTACHMENTS	
Attachment 1: Schedule 1 – Delegations to the Chief Executive Officer.....	11
Attachment 2: Local Law No. 2 (Impounding of Animals) 2009.....	57

01. PRESENT Cr Annie Clarke (Mayor and Meeting Chair)
Cr Ernie Camp (Deputy Mayor)
Cr Tracy Forshaw
Cr Bill Olive
Cr Tonya Murray

Fred de Waard – Acting Chief Executive Officer

02. OPENING OF MEETING

The Chair declared the Meeting open at 10:00 am.

03. PRAYER

Cr Camp led Council in Prayer.

04. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes from Ordinary Meeting 18 March 2009

Moved: Cr Camp
Seconded: Cr Forshaw

That the Minutes of the Ordinary General Meeting held on the 18th March 2009 as presented be confirmed by Council.

CARRIED 01. 090415

05. MAYORAL MINUTE AND REPORT

The Mayor delivered a verbal report on various matters.

ADJOURNMENT

That Mayor adjourned the Meeting for interviews for the position of Chief Executive Officer and for lunch from 10.10am to 2:45pm.

RESUMPTION AND ATTENDANCE

Upon resumption all present at the time of adjournment were present.

The Mayor continued with verbal reports on various matters.

EMQ Services to Gulf during Flood

Moved: Cr Olive
Seconded: Cr Murray

That Council place on record its appreciation to EMQ in Mt Isa for the excellent work over the recent flood period and this be provided to the NQLGA for acknowledgement and a presentation on their upcoming conference agenda and the relevant Minister also be advised.

CARRIED 02. 090415

Wild Rivers Designation

Moved: Cr Clarke
Seconded: Cr Forshaw

That a discussion paper on Wild Rivers designation and possible Council responses, taking note of local community concerns, be prepared for Councils consideration.

CARRIED 03. 090415

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06. COUNCILLOR REPORTS

Verbal reports were provided by Councillors on various matters.

07. CHIEF EXECUTIVE OFFICERS REPORTS

Moved: Cr Camp
Seconded: Cr Olive

That

A) the Chief Executive Officers Business Papers for Information numbered 09.01.01 to 09.01.02 as presented be received by Council and noted; and

B) the Chief Executive Officers Business Papers for Council Consideration and Decision numbered 09.02.01 to 09.02.11 as presented be received by Council for consideration.

CARRIED 04. 090415

09.02.01 Update of Delegations

FILE: DEL/01

A review of delegations has been carried out with a view to ensuring that Council has in place the correct delegations that reflect the way Council has been operating whilst also ensuring that there is an appropriate level of delegation by Council to the Chief Executive Officer to allow Council business to flow smoothly whilst ensuring adequate controls and accountability are in place.

Some 38 delegations are proposed. These are based on

- a) advice as to what can be delegated by Council;
- b) an analysis of these delegable powers;
- c) advices from King and Company provided to local government generally through the LGAQ; and
- d) an analysis of delegated powers provided to Chief Executive Officers in similar sized local governments.

Moved: Cr Forshaw
Seconded: Cr Olive

That:

1. all existing delegations to the Chief Executive Officer be revoked AND in lieu thereof, in accordance with the provisions of Section 472 of the Local Government Act 1993, Council delegate the powers set out in Column 2 of *Schedule 1 -Delegations to the Chief Executive Officer* to the Chief Executive Officer with such powers being delegated subject to the conditions as set out in Column 4 of *Schedule 1 -Delegations to the Chief Executive Officer* as set out in *Delegations DEL-BSC-01 to DEL-BSC-037* as amended;

2. the Chief Executive Officer be appointed, in accord with Section 14 of Burke Shire Council *Local Law No. 1 (Administration)*, as an authorised person for all Council Local Laws including:
Burke Shire Council Local Law No. 1 (Administration)
Burke Shire Council Local Law No. 4 (Libraries)
Burke Shire Council Local Law No. 6 (Temporary Homes)

3. the Chief Executive Officer be appointed, in accord with Section 1084 of the *Local Government Act 1993*, as an authorised person under Part 5 (*Enforcement of Local Government Acts*) of the *Local Government Act 1993*; and

4. the Chief Executive Officer be appointed, in accord with the *Instrument of Delegation provided to Council by the Queensland Governments Environmental Protection Agency dated 7th February 2008*, as an authorised person pursuant to section 445(1)(c) of the *Environmental Protection Act 1994*.

Attachment 1: Schedule 1 – Delegations to the Chief Executive Officer

CARRIED 05. 090415

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09.02.02 Gulf Area Community Social Development Trust – Local Stakeholder Reference Group

FILE: PAS/10

The Department of Infrastructure and Planning is seeking a Council representative on the Gulf Area Community Development Trust Local Stakeholder Reference Group which provides advice to Queensland Community Foundation on which projects submitted to the Trust should be funded.

Moved: Cr Clarke
Seconded: Cr Forshaw

That Council nominate Cr Murray as its representative on the Gulf Area Community Development Trust Local Stakeholder Reference Group.

CARRIED 06. 090415

09.02.03 LGAQ – Advice of Study Tour to United States and Canada

FILE: CON/01

The Local Government Association of Queensland has provided an invitation to attend the Local Government “Innovation and Efficiency in Service Delivery” Study Tour to the United States and Canada from 30 June 2009 to 11 July 2009.

Moved: Cr Clarke
Seconded: Cr Murray

That Council not participate in this tour.

CARRIED 07. 090415

09.02.04 CMC – Regional Visits

FILE: CJC/01

The Crime and Misconduct Commission is conducting regional visits and will be holding free seminars focusing on dealing with and preventing official misconduct.

Moved: Cr Forshaw
Seconded: Cr Olive

That interested Councillors and Senior Council Officers be encouraged to attend the Doomadgee session.

CARRIED 08. 090415

09.02.05 Primary Industries and Fisheries – Community Jobs Plan

FILE:EME/01

Primary Industries and fisheries under the Department of Employment, Economic Development and Innovation is seeking to aid the recovery of Shires from the January/February major flooding by negotiating a project to hire 12 teams of 4 workers under the Community Jobs Plan to undertake fencing and debris restoration work on affected primary producer properties in the gulf and Hinchinbrook areas. They are seeking Council assistance with the hiring of those workers on a temporary short term basis (15 weeks) to undertake duties on properties identified in the Shire.

Moved: Cr Camp
Seconded: Cr Murray

That Council remain positively involved with this project to determine possible ways that it can be utilised within the Shire area as part of the overall Gulf Flood Recovery Package.

CARRIED 09. 090415

09-02-06 Gulf Savannah Development – Offer of Small Business Advisory Services

FILE: REG/02

Gulf Savannah Development has offered the extension of its Small Business Advisory Services into Burke Shire for the 2009 year for a fee of \$3,000.

Moved: Cr Camp
Seconded: Cr Olive

That Council decline the offer from Gulf Savannah Development to extend the Small Business Advisory Services into Burke Shire for the 2009 calendar year at a cost of \$3,000.

CARRIED 10. 090415

09-02-07 Policy on Replacement of Water Filters

FILE: WAT/01

Council, at the end of the upgrade of the Burketown and Gregory water supplies, accepted the offer of some 100 free water filters for distribution. These have been distributed amongst the two townships. A clear policy on the ongoing maintenance needs to be set by Council.

Moved: Cr Clarke
Seconded: Cr Olive

That:

1. the community be advised that:

- a) Council does not provide water filters as part of its provision of potable water to the community;
- b) The maintenance of the water filters that have been distributed by Council remains the responsibility of the person to whom the filter was provided;
- c) Such filters, if not maintained, will result in non potable water being supplied through the filter over time; and
- d) Council's water supply reticulation system delivers potable water that does not require filtration prior to consumption.

AND

2. Tenants of Council houses where filters have been fitted be advised that:

- a) Council does not provide filters to Council houses;
- b) The maintenance of any such filters will be the responsibility of the tenant – If the tenant does not wish to use the filter they may disconnect it; and
- c) The comments with respect to these filters for the general community should be noted by tenants.

AND

3. any filters installed in Council facilities be removed forthwith as their use is not warranted given that Council delivers a palatable and potable water supply to its communities.

CARRIED 11. 090415

09.02.08 Impounding Local Law

FILE: RES/01

Council has previously resolved to commence action to remove the cattle from the Common surrounding Burketown.

Moved: Cr Olive

Seconded: Cr Murray

That

A) the Council hereby resolve to propose to adopt *Model Local Law No. 5 (Impounding of Animals) 2000*. The local law so adopted will be referred to as *Local Law No. 2 (Impounding of Animals) 2009* of the Council's Local Laws;

B) ,as the proposed local law does not contain any anticompetitive provisions, the Council hereby resolve to adopt *Model Local Law No. 5 (Impounding of Animals) 2000*. The local law so adopted will be referred to as *Local Law No. 2 (Impounding of Animals) 2009* of the Council's Local Laws;

C) the Chief Executive Officer be appointed as an Authorised Person under *Part 4 of Local Law No. 2 (Impounding of Animals) 2009*;

D) the Chief Executive Officer be delegated Council's power to appoint Authorised Persons under *Clause 10 of Part 4 of Local Law No. 2 (Impounding of Animals) 2009*;

E) the Chief Executive Officer incorporate an appropriate schedule of Prescribed Impounding Fees under *Local Law No. 2 (Impounding of Animals) 2009* for Council's consideration in the next review of Council's Regulatory Fees and Charges for Council's consideration;

AND

F) the Chief Executive Officer be delegated Council's power to establish an animal pound under *Clause 4 of Part 2 of Local Law No. 2 (Impounding of Animals) 2009*.

Attachment 2: Local Law No. 2 (Impounding of Animals) 2009

CARRIED 12. 090415

09.02.09 Northern Alliance for Roads associated with Indigenous Communities

FILE: REG/42

The Department of Main Roads has invited Council to nominate a representative to attend the Northern Alliance forum in Mt Isa on the 29th and 30th of April 2009 with other local governments to allow Council to be informed and involved in the delivery of future projects that may be funded through the Infrastructure Australia process.

Moved: Cr Forshaw

Seconded: Cr Camp

That the Department of Main Roads be advised that Council is unable to attend the forum at this time due to other commitments however Council would appreciate being provided with any relevant presentations made at the forum for Council's information.

CARRIED 13. 090415

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09.02.10 Gregory Park - Naming

FILE: PAG/01

Cr Forshaw has queried whether Council is going to put out a competition or obtain suggestions as to the naming of Gregory park or simply go with “Elvee’s Park”.

Moved: Cr Forshaw
Seconded: Cr Murray

That Council name Gregory Park as “Elvee’s Park”

CARRIED 14. 090415

09.02.11 Appointment of Acting Chief Executive Officer

FILE: STA/01

With the current engagement of Mr Fred de Waard as Acting Chief Executive Officer, Mr de Waard absents himself from the Shire on leave without pay for a week at a time after each 5 weeks of work. Travel days to and from Burketown are counted as work days under his contract with Council. During such absences Council is required to appoint an Acting Chief Executive Officer.

Moved: Cr Clarke
Seconded: Cr Forshaw

That, in the absence of the Acting Chief Executive Officer – Mr Fred de Waard during his week off after each five weeks of engagement, Ms Zoe Belz be appointed the Acting Chief Executive during such absences; and

That the Acting Chief Executive Officer, Mr Fred de Waard, be authorised to negotiate a salary increment for Ms Zoe Belz for such times that she is the Acting Chief Executive Officer.

CARRIED 15. 090415

08. WORKS MANAGER REPORTS

Moved: Cr Camp
Seconded: Cr Olive

That

A) The Works Manager Business Papers for information numbered 10.01.01 to 10.01.02 as presented be received by Council and noted; and

B) The Works Manager Business Papers for Council Consideration and Decision numbered 10.02.01 to 10.01.02 as presented be received by Council for consideration.

CARRIED 16. 090415

ATTENDANCE

Mr D. McEvoy, Acting Works Manager, attended the Meeting at 3:55pm.

10.02.01 Roads Alliance Board – Participation in Net Risk Assessment and asset data collection

FILE: ROA/71

The Roads Alliance Board has written to Council asking Council to provide advice as to its level of commitment proposed for participation in a state-wide contract for the collection of NetRisk and basic asset data across the Queensland road network. The offer exists for Council to opt out, include its local roads of regional significance and/or include additional Council roads. Council must respond to this offer by April 30th 2009.

Moved: Cr Camp
Seconded: Cr Olive

That Council participate in the state-wide NetRisk and asset data collection project by nominating all Council roads that Council has designated as Local Roads of Regional Significance in the project at an estimated cost of \$22,220 (Subject to confirmation once contracts are let by the Roads Alliance).

CARRIED 17. 090415

UNCONFIRMED

10.02.02 Roads to Recovery (R2R) Program July 2009 to June 2014

FILE: ROA/70

Advice has been received from the Minister for Infrastructure, Transport, Regional Development and Local Government that Council has been allocated \$1,364,749 under the Roads to Recovery Program from 1 July 2009 to 30 June 2014. These funds are available from 1 July 2009.

Moved: Cr Clarke
Seconded: Cr Forshaw

That Council allocate its annual Roads to Recovery allocation under the new Roads to Recovery Program to commencing the resealing of roads within the Shire with priority to be allocated to:

- a) Road sections on Local Roads of Regional Significance;
- b) Other Council sealed roads (including urban roads).

CARRIED 18. 090415

ATTENDANCE

Don McEvoy, Acting Works Manager, left the Meeting at 4:.25pm.

Zoe Belz, Manager Corporate Services, attended the Meeting at 4:28pm.

09. MANAGER CORPORATE SERVICES REPORTS

Moved: Cr Camp
Seconded: Cr Olive

That

A) The Manager Corporate Services Business Papers for Information numbered 11.01.01 to 11.01.02 be received by Council and noted; and

B) The Manager Corporate Services Business Papers for Council Consideration numbered 11.02.01 to 11.02.02 and 11.02.04 to 11.02.06 as presented be received by Council for consideration.

CARRIED 19. 090415

11.02.01 RADF Funding – Council Project – Photographic book of Burke Shire

FILE: RADF/15

Council expressed an interest in producing a photographic book of Burke Shire similar to the one produced for Cloncurry and Mt Isa district titled “Cloncurry Trails”. Council received \$6,000 from RADF towards this publication which Council is required to match. Therefore Council must allocate a further \$28,000 from its existing budget if it wishes to move forward before 30 June 2009. Otherwise the RADF contribution can be rolled over to 2009/2010 to allow Council to include the project in the 2009/2010 budget through the appropriate budget process.

Moved: Cr Clarke
Seconded: Cr Murray

That Council roll over the \$6,000 Arts Queensland RADF Contribution to the 2009/2010 financial year;

AND

That alternative proposals for use of the funding be investigated and reported back to Council as part of the 2009/2010 budget process.

CARRIED 20. 090415

11.02.02 North & West Queensland Primary Health Care – Request for Assistance

FILE: HEA/13

Council has received two separate requests for assistance from North & West Queensland Primary Health Care:

1. Health Screening Day 25 May 2009 – request for use of the Shire Hall without a bond or fee AND financial assistance towards the day (no specific sum requested)
2. Use of a Council Vehicle for the regular health clinics held in Burketown.

Moved: Cr Camp

Seconded: Cr Forshaw

That Council:

1. waive the fee and bond for the use of the Shire Hall on 25 May 2009 by North & West Queensland Primary Health Care, provided that the hall is clean and tidy following the clinic;
2. not contribute financially towards the clinic at this time and they be encouraged to submit an application for annual financial assistance when applications are next called by Council from community organisations; and
3. not make available a Council vehicle for free use by the North & West Queensland Primary Health Care for regular clinics however they be advised that private hire may be available.

CARRIED 21. 090415

11.02.04 Country & Regional Living Expo

FILE: EVE/01

The Country & Regional Living Expo (previously known as Country Week) will be held in Brisbane on 30, 31 October and 1 November 2009, and is seeking registration from exhibitors.

Moved: Cr Clarke

Seconded: Cr Camp

That Council not participate in the Country & Regional Living Expo for 2009.

CARRIED 22. 090415

11.02.05 Schools First Workshop

FILE: GRA/04

Schools First is a partnership between NAB, Australia Cares, Australian Council for Educational Research and Foundation for Young Australians which promotes school-community partnerships around Australia. Schools First will be conducting a workshop in Mt Isa on 18 May, 2009.

Moved: Cr Forshaw

Seconded: Cr Camp

That Council not participate in the Schools First workshop in Mt Isa on 18 May 2009.

CARRIED 23. 090415

11.02.06 Bank Accounts

FILE: BAN/01

Westpac Bank has requested a copy of a Council Resolution each time the signatories to Council's bank accounts change. Given the future appointments required to Senior Management, it is prudent to name the positions as signatories rather than the officer. Also for the ease of administration, the CEO should be able to make day to day decisions in relation to the operation of Council's bank accounts.

Moved: Cr Olive

Seconded: Cr Murray

That Council name the following positions as signatories for Council's Westpac Bank (With any two to sign) and Queensland Treasury Corporation Accounts:

All Councillors
Chief Executive Officer
Manager Corporate Services
Director of Engineering

AND

That Council delegate authority to the Chief Executive Officer to close, open and operate Council's bank accounts.

CARRIED 24. 090415

10. Urgent Matters Requiring Council Decision

Change in Meeting Dates and Special Meeting

FILE: COU/01

Moved: Cr Camp

Seconded: Cr Murray

That:

1. the Ordinary Council Meeting scheduled for the 20th of May 2009 be moved to the 27th of May 2009 with a commencement time of 8:30am; and
2. a Special Meeting to discuss budget matters be held on the 26th of May 2009 commencing at 10:00am.

CARRIED 25. 090415

10. CLOSED SESSION REPORTS

Move into Closed Session

Moved: Cr

Seconded: Cr

That Council move into closed session to discuss Confidential Items under *Sections 463(a), (b) and (h) of the Local Government Act 1993.*

CARRIED 26. 090415

ATTENDANCE

Zoe Belz, Manager Community Services left the meeting at the commencement of the Closed Session at 5.00pm.

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Move into Open Session

Moved: Cr Murray
Seconded: Cr Olive

That the Meeting resume in Open Session to consider recommendations arising out of the Closed Session.

CARRIED 27. 090415

Position of Chief Executive Officer

STA/01

Moved: Cr Clarke
Seconded: Cr Forshaw

That Council readvertise the position of Chief Executive Officer at the modified package value agreed.

CARRIED 28. 090415

11. CLOSURE OF MEETING

The Chair declared the Meeting closed at 7:35pm.

12. MINUTES CERTIFICATE

I hereby certify that these pages ~~numbered 1 to 10 and the attached two appendices in pages 11 to 62~~ constitute the confirmed minutes of the Meeting of Burke Shire Council held on Tuesday 15 April 2009.

These Minutes are yet to be confirmed.

.....
MAYOR

ATTACHMENTS

Attachment 1: Schedule 1 – Delegations to the Chief Executive Officer

Attachment 2: Local Law No. 2 (Impounding of Animals) 2009

Burke Shire Council – Minutes of Ordinary Council Meeting 15th April 2009
Appendix 1: Schedule 1 – Delegations to the Chief Executive Officer

[1] Delegation # Title of Person or Name of Committee to whom powers delegated	[2] Powers Delegated by Local Government (Provision of Act/Local Law)	[3] Date of Resolution [Ref] Instrument #	[4] Conditions applying To delegation
DEL-BSC-001 Chief Executive Officer	<p>5(1) The power to:-</p> <p>(a) approve an application for a proposal under a local law unconditionally; or</p> <p>(b) approve an application for a proposal under a local law subject to conditions; or</p> <p>(c) refuse to approve an application for a proposal under a local law.</p> <p>6(2) If it is decided that an approval should be refused on a particular aspect of a proposal for which multiple approvals are required, the power to refuse other approvals required for the proposal even though other aspects of the proposal for which approval is required may be unexceptionable.</p> <p>8(1) The power to vary or revoke a condition on which an approval has been given under a local law if the variation or revocation is necessary for the protection of public health or safety.</p> <p>9 The power to revoke an approval for contravention of a condition of an approval.</p> <p>13(1) The power to, by public notice, offer a reward for information leading to the conviction of a person for -</p> <p>(a) an offence involving damage to, or theft of, Council property or property under the Council's control; or</p> <p>(b) an offence against a local law.</p> <p>13(2) The power to decide the amount of a reward and the conditions of which it is payable.</p> <p>15(2)(b) The power to approve the form of an authorised person's identity card.</p> <p>19(3) The power to, in an appropriate case, waive or partially remit a charge, unless specific provision to the contrary is made in a local law or resolution fixing the charge.</p> <p>20(1) The power to dispose of goods if goods are left in a building, or on land, under Council's control.</p> <p>20(4) The power to dispose of goods in the manner specified in subsection (4).</p> <p>21(2) If Council or an authorised person confiscates or impounds goods under powers conferred by a local law, the power to dispose of the goods in the manner specified in subsection (2).</p> <p>(Burke Shire Council Local Law No. 1 (Administration))</p>	<p align="center">15/04/2009 [Res - 05. 090415] None</p>	

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Burke Shire Council – Minutes of Ordinary Council Meeting 15th April 2009
Appendix 1: Schedule 1 – Delegations to the Chief Executive Officer

DEL-BSC-002 Chief Executive Officer	The power to amend the oncost recovery rates as required to ensure that all administrative and oncost expenses incurred by Council are fully recovered. (Section 36(1) – General Powers Local Government Act 1993)	15/04/2009 [Res - 05. 090415] None	Any changes to the oncost recovery system are to be reported to Council.
DEL-BSC-003 Chief Executive Officer	to appoint the Manager of Corporate Services or the Director of Engineering Services to the position of Acting Chief Executive Officer while the appointed Chief Executive Officer is absent from the office for periods of longer than two (2) days. (Section 1134 of the Local Government Act 1993)	15/04/2009 [Res - 05. 090415] None	All Councillors are to be advised of who has been appointed and the period of the appointment when an appointment has been made.
DEL-BSC-004 Chief Executive Officer	To allow and equitable remission of water consumption charges for water consumption charges levied on a property resulting from water loss due to a concealed water leak where the occupant could not be expected to know of its existence. (Section 963 – Power to make and levy rates and charges Local Government Act 1993)	15/04/2009 [Res - 05. 090415] None	Council to be advised quarterly of the value of the allowance of any such remissions including details of the property; property owner and water quantity lost at the time of the incident leading to the request for a remission.
DEL-BSC-005 Chief Executive Officer	To allow a remission of water consumption charges for water consumption charges levied on a property resulting from a faulty meter giving inaccurate readings. (Section 963 – Power to make and levy rates and charges Local Government Act 1993)	15/04/2009 [Res - 05. 090415] None	Council to be advised quarterly of the value of the allowance of any such remissions including details of the property; property owner and water quantity lost at the time of the incident leading to the request for a remission
DEL-BSC-006 Chief Executive Officer	To accept, accept subject to conditions or reject an offer to pay rates and charges by instalments. (Section 1017 – Recovery of Overdue Rates Local Government Act 1993)	15/04/2009 [Res - 05. 090415] None	Any such instalment arrangements approved must require that rates and charges in arrears are to be fully paid by 30 June of the current financial year.
DEL-BSC-007 Chief Executive Officer	To commence collection proceedings including filing of the debt in the magistrates Court) for rates 3 months to 12 months in arrears after the rate or approved instalment payment is due. (Section 1017 – Recovery of Overdue Rates and Section – Section 36(1) – General Powers Local Government Act 1993)	15/04/2009 [Res - 05. 090415] None	
DEL-BSC-008 Chief Executive Officer	To write off interest charges on a sundry debtor account (Section 36(1) – General Powers Local Government Act 1993)	15/04/2009 [Res - 05. 090415] None	Only to be applied if the interest is less than \$10 and the account, excluding the interest component, is paid in full.
DEL-BSC-009 Chief Executive Officer	To commence collection proceedings (including filing of the debt in the magistrates Court) for accounts 90 days or more in arrears after issue of the initial invoice. (Section 36(1) – General Powers Local Government Act 1993)	15/04/2009 [Res - 05. 090415] None	

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Burke Shire Council – Minutes of Ordinary Council Meeting 15th April 2009
Appendix 1: Schedule 1 – Delegations to the Chief Executive Officer

DEL-BSC-010 Chief Executive Officer	To commence proceedings in the Small Claims Tribunal for a termination of a Tenancy Order (and subsequent referral to a collection agency where successful) where rent is in arrears by 21 days or more. (Section 36(1) – General Powers Local Government Act 1993)	15/04/2009 [Res - 05. 090415] None	
DEL-BSC-011 Chief Executive Officer	To write off bad debts of \$100 or less. (Section 36(1) – General Powers Local Government Act 1993)	15/04/2009 [Res - 05. 090415] None	Council to be advised of the exercise of this delegation at the next ordinary meeting after which this delegation has been exercised.
DEL-BSC-012 Chief Executive Officer	The powers provided to Council under section 483 of the Local Government Act 1993 to make, vary or discharge a contract for the local government in the same way as if the contract were made, varied or discharged by an individual.	15/04/2009 [Res - 05. 090415] None	<ol style="list-style-type: none"> 1. Subject to compliance with the Local Government Act 1993 including Section 483(2). 2. Shall be limited to making, varying or discharging a contract where the value of such making, varying or discharging does not exceed the sum of \$150,000 in total (Inclusive of GST) over the full life of such contract. 3. Shall exclude such purchases or contracts where Council has specifically directed that tenders or quotations be obtained for Council consideration or where Council is required to invite tenders. 4. Subject to compliance with Council's Purchasing Policy.
DEL-BSC-013 Chief Executive Officer	To write off an asset that ceases to retain a future economic benefit to Council due to loss, theft, damage, obsolescence or other factor. (Section 36(1) – General Powers Local Government Act 1993)	15/04/2009 [Res - 05. 090415] None	The value of the asset must be written down to a nil value and if appropriate disposed in the period that the loss occurs
DEL-BSC-014 Chief Executive Officer	To sign all tenancy agreements on Council's behalf. (Section 36(1) – General Powers Local Government Act 1993)	15/04/2009 [Res - 05. 090415] None	Tenancy is to be allowed in accord with Council's current housing policy.
DEL-BSC-015 Chief Executive Officer	Authority to sign all Local Government Workcare Guarantee documents required to be signed and sealed as a condition of Council's involvement with that scheme. (Section 36(1) – General Powers Local Government Act 1993)	15/04/2009 [Res - 05. 090415] None	
DEL-BSC-016 Chief Executive Officer	Can write-off non-current assets and low value assets which are missing, obsolete, irreparable, at the end of their useful lives or scheduled for replacement or retirement to the value of \$5,000. (Section 36(1) – General Powers Local Government Act 1993)	15/04/2009 [Res - 05. 090415] None	Council to be advised of the exercise of this delegation at the next ordinary meeting after which this delegation has been exercised.

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Burke Shire Council – Minutes of Ordinary Council Meeting 15th April 2009
Appendix 1: Schedule 1 – Delegations to the Chief Executive Officer

DEL-BSC-017 Chief Executive Officer	Authority to sign as owner any application for a liquor licence or permit under the Liquor Act 1992 in respect to land either owned by Council in freehold or under Council's control as trustee. (Section 117(2) of the Liquor Act 1992 and Section 36(1) of the Local Government Act 1993).	15/04/2009 [Res - 05. 090415] None	
DEL-BSC-018 Chief Executive Officer	To invest or redeem temporarily surplus funds. (Section 42 Statutory Bodies Financial Arrangements Act 1982)	15/04/2009 [Res - 05. 090415] None	a) Such investments or redemption shall comply with all requirements of the Statutory Bodies Financial Arrangements Act 1982; b) All redemptions made shall be recouped directly to the Council Bank Account from which such investments were made; c) Movements in such investments and details of such investments in the previous month and end of month balances shall be reported to the first General Meeting of Council in each month for Council's information.
DEL-BSC-019 Chief Executive Officer	Authority to negotiate remuneration for members selected for any Conduct Review Panel (Section 250Z(1) and Section 36(1) of the Local Government Act 1993).	15/04/2009 [Res - 05. 090415] None	
DEL-BSC-020 Chief Executive Officer	To decide that land should be included in a specified rating category. (Section 992 of the Local Government Act 1993).	15/04/2009 [Res - 05. 090415] None	
DEL-BSC-021 Chief Executive Officer	To enter into water agreements under the Land Protection (Pest and Stock Route Management) Act 2002. (Section 163 of the Land Protection (Pest and Stock Route Management) Act 2002)	15/04/2009 [Res - 05. 090415] None	
DEL-BSC-022 Chief Executive Officer	To designate land under Council's control as a designated public place under the Liquor Act 1992. (Section 173C of the Liquor Act 1992)	15/04/2009 [Res - 05. 090415] None	

UNCONFIRMED

Init _____

Burke Shire Council – Minutes of Ordinary Council Meeting 15th April 2009
Appendix 1: Schedule 1 – Delegations to the Chief Executive Officer

<p>DEL-BSC-023 Chief Executive Officer</p>	<p>To exercise Council’s powers under Section 100 of the Transport Operations (Road Use Management) Act 1995 in order to facilitate removal of vehicles left on roadways in Burke Shire.</p> <p>(Section 100(3) and 100(8) of the Transport Operations (Road Use Management) Act 1995)</p>	<p>15/04/2009 [Res - 05. 090415] None</p>	<p>a) Council is advised at the next general meeting of the exercise of any powers utilised under this delegation;</p> <p>b) Such vehicles once removed be retained in a secure area at Council’s depot or other similar secure location until they can be sold by auction;</p> <p>c) The minimum auction price be set at the cost of removing the vehicle to the depot plus the amount of \$250 for administration costs plus any auctioneer fee.</p>
<p>DEL-BSC-024 Chief Executive Officer</p>	<p>To execute a document by signing such document on behalf of Council. Such delegation shall apply to any decision of Council (whether made by Council by resolution or made by the Mayor or the Chief Executive Officer, or delegate, under delegation) that requires the execution of a relevant document on behalf of Council.</p> <p>(Section 38(1) of the Local Government Act 1993)</p>	<p>15/04/2009 [Res - 05. 090415] None</p>	
<p>DEL-BSC-025 Chief Executive Officer</p>	<p>The powers provided to Council under the following sections of the Building Act 1975:-</p> <p>51(2) In the specified circumstances power to—</p> <p>(a) receive, assess and decide the application;</p> <p>(b) appoint or employ a private certifier or another building certifier to perform building certifying functions for—</p> <p>(I) the application; and</p> <p>(II) if the building development approval applied for is granted—the building work.</p> <p>52 In the specified circumstances power to issue the building development approval applied for only if—</p> <p>(a) a local government building certifier has carried out the building assessment work for the application; and</p> <p>(b) the building certifier is appropriately licensed to carry out the building assessment work.</p>	<p>15/04/2009 [Res - 05. 090415] None</p>	<p>Council to be advised of the exercise of this delegation at the next ordinary meeting after which this delegation has been exercised.</p>

UNCONFIRMED

	<p>53(2) In the specified circumstances power to accept and, without further checking, rely and act on the certificate or other document—</p> <ul style="list-style-type: none"> (a) the original application; (b) another building development application for all or part of the building work under the original application. <p>55(2) In the specified circumstances power to resume or start the application process at any stage of IDAS the assessment manager considers appropriate.</p> <p>63 Power for the assessment manager to approve a building application subject to the requirement in Part 4 as follows—</p> <ul style="list-style-type: none"> (a) the fire safety management plan accompanying the application complies with the Fire and Rescue Service Act 1990, section 104FC, or (b) the building work involves an alternative solution, for performance requirements under the BCA, that includes a fire safety management procedure as a condition of the occupation and use of the building and the fire safety management plan adequately reflects the procedure. <p>65(2) Power for the assessment manager to approve the building application if each registered holder of the easement or covenant has consented to the building work.</p> <p>66(2) Power for the assessment manager to approve the building application if the special structure—</p> <ul style="list-style-type: none"> (a) complies with the building assessment provisions; and (b) reasonably provides for all of the following— <ul style="list-style-type: none"> (I) the safety of persons using the structure if there is a fire (including, for example, means of egress); (II) the prevention and suppression of fire; (III) the prevention of the spread of fire; (IV) the health and amenity of persons using the structure. <p>68(2) Power for the assessment manager to approve a building application if the building certifier has decided the alterations do not unduly reduce the following—</p> <ul style="list-style-type: none"> (a) the existing level of fire protection for persons accommodated in, or using, the building or structure; (b) the existing level of resistance to fire of the building or structure; (c) the existing safeguards against spread of fire to adjoining buildings or structures; (d) the existing level of emergency egress from the building or structure. 		
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UNCONFIRMED

Burke Shire Council – Minutes of Ordinary Council Meeting 15th April 2009
Appendix 1: Schedule 1 – Delegations to the Chief Executive Officer

	<p>74(2)(b) Power to require the person installing the service to give a copy of the notices to the assessment manager when they are given to QFRS.</p> <p>80(2) Power to include a condition that all, or a stated part, of the building or structure must comply with the building assessment provisions in force when the approval was granted.</p> <p>92(2) Power to in the specified circumstances take action considered necessary to complete the building work on behalf of the local government.</p> <p>92(5) In the specified circumstances power to authorise the use of all or part of any security given to the local government for the carrying out of the building work.</p> <p>93(1) Power to, at any time, having regard to the progress of the building work, refund or release part of any security.</p> <p>117(2) Power to be satisfied that only building work of a minor nature is needed before a certificate of classification can be given for the building.</p> <p>206(1) Power to—</p> <ul style="list-style-type: none"> (a) form the reasonable belief proper grounds exist for applying to the Commercial and Consumer Tribunal to start a disciplinary proceeding against a building certifier; (b) before making the application give the building certifier a notice (a show cause notice). <p>207(2) Power to—</p> <ul style="list-style-type: none"> (a) consider any representations made about a show cause notice; (b) decide to— <ul style="list-style-type: none"> (I) take no further action; or (II) apply to the Commercial and Consumer Tribunal to start a disciplinary proceeding against the building certifier. <p>207(3) Power to give a building certifier written notice of your decision and the reasons for the decision.</p> <p>221(2)(a) Power to consult with any other entity you consider appropriate in deciding an application for a longer period for conformity with a fire safety standard.</p> <p>221(2)(b) Power to grant an application for a longer period for conformity with a fire safety</p>		
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UNCONFIRMED

Init _____

Burke Shire Council – Minutes of Ordinary Council Meeting 15th April 2009
Appendix 1: Schedule 1 – Delegations to the Chief Executive Officer

	<p>standard if you are satisfied undue hardship would be caused to the budget accommodation building's occupants if the application were refused.</p> <p>221(3) Power to grant an application for a longer period for conformity with a fire safety standard with or without the reasonable conditions you consider appropriate.</p> <p>221(4) Within 20 business days after receiving an application for a longer period for conformity with a fire safety standard, the power to—</p> <ul style="list-style-type: none"> (a) decide the application; and (b) give the budget accommodation building's owner written notice of the decision. <p>222(2) Within 20 business days after receiving an application for advice as to conformity with a fire safety standard, the power to—</p> <ul style="list-style-type: none"> (a) decide if the building conforms with the fire safety standard; and (b) give the building owner written notice of the decision. <p>228(2) Subject to subsection (1), the power to, at least once every 3 years, inspect the building to ensure the owner of the building is complying with this part in relation to the building.</p> <p>240(2) Power to decide an application for exemption from complying with the fencing standards within 5 business days after the application is made.</p> <p>240(3) Power to grant an exemption from complying with the fencing standards only if you are satisfied that—</p> <ul style="list-style-type: none"> (a) a person with a disability is, or is to become, an occupier of the land; and (b) it would be physically impracticable for the person, because of the person's disability, to access the pool if it had fencing complying with the fencing standards for the pool. <p>240(4) Power to require an applicant for an exemption to produce medical evidence to support the application.</p> <p>240(5) In the specified circumstances power to grant an exemption on conditions you consider necessary or desirable to prevent a young child accessing the pool.</p> <p>241(1) As soon as practicable and after making a decision on an application for exemption under section 240, power to give an applicant written notice of the decision.</p> <p>242(1)(b) In the specified circumstances power to be satisfied 1 or more of the following</p>		
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UNCONFIRMED

Init _____

Burke Shire Council – Minutes of Ordinary Council Meeting 15th April 2009
Appendix 1: Schedule 1 – Delegations to the Chief Executive Officer

	<p>applies—</p> <p>(I) the decision on the application for the exemption was based on a false or misleading particular given by an applicant;</p> <p>(II) the exemption has ended under section 241(3) of the Building Act 1975;</p> <p>(III) the exemption was subject to conditions and there has been a contravention of a condition.</p> <p>242(2) In the specified circumstances, the power to give an applicant a show cause notice inviting the applicant to show cause why a decision should not be revoked.</p> <p>242(3) Power to—</p> <p>(a) consider any representations made under a show cause notice; and</p> <p>(b) give a further notice (a revocation notice) to the applicant, revoke a decision previously given.</p> <p>244(2) If an application is made under section 244(1) the power to—</p> <p>(a) decide if fencing complies with section 235(1) of the Building Act 1975; and</p> <p>(b) give the pool owner an information notice about its decision within 10 business days after receiving the application.</p> <p>248(1) Power to give a notice (an enforcement notice) to the owner of a building, structure or building work if the local government reasonably believes the building, structure or building work—</p> <p>(a) was built before the commencement of this section without, or not in accordance with, the approval of the local government; or</p> <p>(b) is dangerous; or</p> <p>(c) is in a dilapidated condition; or</p> <p>(d) is unfit for use of occupation; or</p> <p>(e) is filthy, infected with disease or infested with vermin.</p> <p>248(2) Power to give an enforcement notice to a person who does not comply with a particular matter in this Act.</p> <p>248(4) In the specified circumstances, the power to give a person a show cause notice.</p> <p>249(1) In the specified circumstances power to require a person to do any of the following—</p> <p>(a) to apply for a development permit;</p> <p>(b) to do, or not to do, another act to ensure building work complies with the approval of the local government given before the commencement of this</p>		
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UNCONFIRMED

Init _____

Burke Shire Council – Minutes of Ordinary Council Meeting 15th April 2009
Appendix 1: Schedule 1 – Delegations to the Chief Executive Officer

	<p>section;</p> <p>(c) to repair or rectify the building or structure;</p> <p>(d) to secure the building or structure (whether by a system of support or in any other way);</p> <p>(e) to fence off the building or structure to protect persons;</p> <p>(f) to cleanse, purify and disinfect the building or structure;</p> <p>(g) to demolish or remove the building or structure;</p> <p>(h) to comply with this Act for a particular matter.</p> <p>249(2) Power to require a person to demolish or remove the building or structure only if the local government reasonably believes that it is not possible and practical to take steps to comply with subsection (1)(c) to (f).</p> <p>251(2) Power to remove from the register all entries and details relating to a notice when the requirements of the notice have been complied with.</p> <p>266 Power to decide that a building or structure is—</p> <p>(a) dangerous; or</p> <p>(b) in a dilapidated condition and unfit for use of or occupation; or</p> <p>(c) filthy; or</p> <p>(d) is infected with disease; or</p> <p>(e) is infested with vermin.</p> <p>To allow for the alteration or removal of a building otherwise lawfully constructed before the commencement of the section.</p>		
<p>DEL-BSC-026 Chief Executive Officer</p>	<p>The powers provided to Council under the following sections of the Environmental Protection Act 1994:</p> <p>369A (4) Power to, as soon as practicable after an application for approval to perform waste management works is made, decide whether to grant or refuse the approval.</p> <p>369A (6) Power to impose on an approval to perform waste management works relevant conditions considered necessary or desirable.</p> <p>369A (7) If a decision is made to grant an approval to perform waste management works, the power to give the applicant the approval in writing within the specified time period.</p> <p>369A(8) In the specified circumstances, the power to give an applicant an information notice about a decision to:</p>	<p>15/04/2009 [Res - 05. 090415] None</p>	<p>Council to be advised of the exercise of this delegation at the next ordinary meeting after which this delegation has been exercised.</p>

UNCONFIRMED

Init _____

Burke Shire Council – Minutes of Ordinary Council Meeting 15th April 2009
Appendix 1: Schedule 1 – Delegations to the Chief Executive Officer

	<p>(a) refuse an approval to perform waste management works;</p> <p>(b) impose a condition on an approval to perform waste management works, other than a condition that is the same, or to the same effect, as a condition agreed to or requested by the applicant.</p> <p>369B (1) In the specified circumstances, the power to, at any time, amend an approval under section 369A of the Environmental Protection Act 1994, by giving the approval holder written notice of the amendment.</p> <p>369B (2) In the specified circumstances, the power to otherwise amend, or cancel, an approval under section 369A of the Environmental Protection Act 1994.</p> <p>369B (4) In the specified circumstances, the power to give an approval holder written notice stating the specified particulars.</p> <p>369B (6) In the specified circumstances, the power to consider any representations made within a show cause period.</p> <p>369B (7) In the specified circumstances, the power to, within 10 business days after making a decision to take the action, give the approval holder, or former approval holder, an information notice about the decision.</p>		
<p>DEL-BSC-027 Chief Executive Officer</p>	<p>The powers provided to Council under the following sections of the Environmental Protection (Waste Management) Regulation 2000:</p> <p>10C(1)(b) Power to require an owner or occupier of premises to supply at the premises enough waste containers, other than standard general waste containers, to contain general waste produced at the premises.</p> <p>10C(2) In the specified circumstances, and subject to Subsection 10C(1)(a), power to require the supply of further water containers.</p> <p>10C(4) Power to supply a standard general waste container to a premises without cost to the owner or occupier of the premises.</p> <p>10D(1)(a) Power to require the owner or occupier to store general waste at the premises in another type of waste container.</p> <p>10E(1)(a) The power to require the container to be kept at a particular place at the</p>	<p align="center">15/04/2009 [Res - 05. 090415] None</p>	<p>Council to be advised of the exercise of this delegation at the next ordinary meeting after which this delegation has been exercised.</p>

UNCONFIRMED

Burke Shire Council – Minutes of Ordinary Council Meeting 15th April 2009
Appendix 1: Schedule 1 – Delegations to the Chief Executive Officer

	<p>premises.</p> <p>10F(2) Power to require the prescribed person to ensure each of the following is supplied at the premises:</p> <p>(a) either:</p> <p style="padding-left: 40px;">(i) an elevated stand at a level required by the local government for holding all waste containers at the premises; or</p> <p style="padding-left: 40px;">(ii) an imperviously paved area, drained as required by the local government, upon which can be stood all waste containers at the premises;</p> <p>(b) a suitable hose cock and hose in the vicinity of the stand or paved area; and</p> <p>(c) a suitable enclosure for the area where the waste containers are kept.</p> <p>10(2)(b) In the specified circumstances, the power to determine the frequency of services.</p> <p>10G(3) Power to ensure that the waste is removed:</p> <p>(a) in a way that does not cause excessive noise; and</p> <p>(b) with reasonable care to prevent spilling the waste.</p> <p>10H(2) Power to give the occupier of the premises a notice stating:</p> <p>(a) the days on which the waste is to be collected; and</p> <p>(b) where the waste container is to be placed for collection of the waste (the designated location); and</p> <p>(c) the time by which the waste container is to be placed in the designated location for collection of the waste.</p> <p>10I(2)(a) Power to give a written approval to the owner or occupier of the premises for depositing or disposing of waste.</p> <p>10I(2)(b) Power to impose conditions on the approval, including, for example, conditions about:</p> <p>(i) the place for depositing or disposing of the waste; or</p> <p>(ii) the method of depositing or disposing of the waste.</p> <p>10J(1) Power to require the owner or occupier to:</p> <p>(a) supply at the premises the number of industrial waste containers required by the local government for storing the waste at the premises safely, efficiently and without causing nuisance; and</p> <p>(b) keep the waste containers at a particular place at the premises required by the local government; and</p> <p>(c) keep each container clean and in good repair.</p>		
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UNCONFIRMED

Burke Shire Council – Minutes of Ordinary Council Meeting 15th April 2009
Appendix 1: Schedule 1 – Delegations to the Chief Executive Officer

	<p>10J(2) In the specified circumstances, power to supply industrial waste containers at the premises.</p> <p>10M(3) If the owner or occupier contravenes subsection 2 the power to give the owner or occupier a written notice requiring the owner or occupier to fill the cesspit or cesspool with earth and remove any structure on or near the cesspit or cesspool within the period stated in the notice.</p> <p>I10N(1) In the specified circumstances, power to give the owner or occupier written approval (sanitary convenience approval), including conditions, for placing, constructing or altering a sanitary convenience.</p> <p>10O(2)(b) Power to require the owner or occupier to bury nightsoil in a particular place.</p> <p>12(2) In the specified circumstances, the power to give consent to a person depositing a specified waste at a waste facility.</p>		
<p>DEL-BSC-028 Chief Executive Officer</p>	<p>The powers provided to Council under the following sections of the Food Act 2006:</p> <p>55 Power to consider the application and decide to grant, or refuse to grant, the application.</p> <p>56(1) Power to be satisfied that the specified criteria are fulfilled.</p> <p>56(2) Power to obtain and consider the written advice of an auditor about whether or not the auditor considers the food safety program complies with section 98.</p> <p>57 Power to have regard to the specified matters.</p> <p>58(a) In deciding whether premises are suitable for carrying on a licensable food business, the power to have regard to whether the premises comply with the food standards code, standard 3.2.3.</p> <p>58(b) In deciding whether premises are suitable for carrying on a licensable food business, the power to obtain and consider the written advice of an authorised person about whether or not the authorised person considers the premises are suitable for carrying on the business.</p>	<p align="center">15/04/2009 [Res - 05. 090415] None</p>	<p>Council to be advised of the exercise of this delegation at the next ordinary meeting after which this delegation has been exercised.</p>

UNCONFIRMED

Init _____

Burke Shire Council – Minutes of Ordinary Council Meeting 15th April 2009
Appendix 1: Schedule 1 – Delegations to the Chief Executive Officer

	<p>59(1)(a) Power to make inquiries to decide the suitability to— (i) the applicant to hold a licence; and (ii) the premises for carrying on a licensable food business.</p> <p>59(1)(b) In the specified circumstances power to give notice to the applicant requiring the applicant to provide the local government with further information or a document.</p> <p>60(2) The power to give an applicant an information notice for the decision.</p> <p>62(2) In the specified circumstances, the power to give notice to the applicant.</p> <p>62(3) In the specified circumstances, the power to agree with the applicant on the day by which the application must be decided.</p> <p>64 In the specified circumstances, the power to issue a provisional licence to the applicant.</p> <p>68(2) Power to give a notice to extend the term of a licence.</p> <p>69(1)(e) In the specified circumstances, the power to impose other reasonable conditions considered appropriate for the food business.</p> <p>72(3) Power to consider the application and decide to renew, or refuse to renew, the licence.</p> <p>72(4) Power to have regard to the specified matters.</p> <p>73(3) Power to consider the application and decide to restore, or refuse to restore, the licence.</p> <p>73(4) Power to have regard to the specified matters.</p> <p>74(3) Power to consider the application and decide to amend, or refuse to amend, the licence.</p> <p>74(4) Power to amend a licence by changing the location of the premises from which the licensee proposes to carry on a licensable food business.</p> <p>74(5) In the specified circumstances, the power to be satisfied on reasonable grounds that the premises are suitable for carrying on a licensable food business.</p> <p>75(1) In the specified circumstances power to require the applicant to give the local</p>		
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UNCONFIRMED

Burke Shire Council – Minutes of Ordinary Council Meeting 15th April 2009
Appendix 1: Schedule 1 – Delegations to the Chief Executive Officer

	<p>government further information or a document.</p> <p>78(2) In the specified circumstances, the power to have regard to the specified matters regarding the suitability of a person to hold a licence.</p> <p>79(1)(a) Power to form a belief that a ground exists to suspend or cancel a licence.</p> <p>79(2) In the specified circumstances, the power to give the licensee a show cause notice.</p> <p>80(2) In the specified circumstances, the power to consider all representations.</p> <p>81 In the specified circumstances, the power to form a belief that a ground no longer exists to suspend or cancel a licence.</p> <p>82(2)(a) In the specified circumstances, the power to suspend the licence for not longer than the proposed suspension period.</p> <p>82(2)(b) In the specified circumstances, the power to cancel the licence or suspend it for a period.</p> <p>83 In the specified circumstances, the power to suspend a licence immediately.</p> <p>91(2) In the specified circumstances, the power to advise the first local government of the thing done or omitted to be done.</p> <p>92(2) In the specified circumstances, the power to take action in relation to the thing done or omitted to be done by the licensee.</p> <p>97(1) Power to consider the application and decide to grant, or refuse to grant, the application.</p> <p>103(1) Power to consider the application and decide to accredit, or refuse to accredit, the food safety program.</p> <p>103(2) Power to obtain and consider the written advice of an auditor about whether or not the auditor considers the food safety program complies with the criteria in section 104.</p> <p>104 Power to be satisfied that the food safety program meets the specified criteria.</p> <p>105(1) In the specified circumstances, the power to give notice to the applicant requiring</p>		
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UNCONFIRMED

Burke Shire Council – Minutes of Ordinary Council Meeting 15th April 2009
Appendix 1: Schedule 1 – Delegations to the Chief Executive Officer

	<p>the applicant to give further information or a document to a local government.</p> <p>108(1) In the specified circumstances, the power to consider more time is needed to make a decision.</p> <p>108(2) In the specified circumstances, the power to give notice to the applicant of the specified matters.</p> <p>108(3) In the specified circumstances, the power to agree with the applicant on a day by which the application must be decided.</p> <p>109(2)(a) In the specified circumstances, the power to decide how often the holder of the program must have compliance audits of the program conducted under this Act.</p> <p>109(3) In the specified circumstances, the power to have regard to the stated matters.</p> <p>110(1) In the specified circumstances, the power to change the frequency of compliance audits for a food safety program.</p> <p>110(2) In the specified circumstances, the power to have regard to the results of a compliance or non-conformance audit of the program.</p> <p>112(4) Power to consider the application and decide to approve, or refuse to approve, the amendment.</p> <p>112(5) Power to be satisfied that the stated criteria are fulfilled.</p> <p>113(1) In the specified circumstances power to require the applicant to give the local government further information or a document.</p> <p>114(1) In the specified circumstances, the power to direct the holder of a food safety program to amend the program.</p> <p>115(2) Power to be satisfied that the amendment complies with the direction under section 114.</p> <p>118(1) In the specified circumstances, the power to form a belief that a ground exists to cancel the accreditation of a food safety program and to give the holder of the program a</p>		
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UNCONFIRMED

Init _____

Burke Shire Council – Minutes of Ordinary Council Meeting 15th April 2009
Appendix 1: Schedule 1 – Delegations to the Chief Executive Officer

	<p>show cause notice.</p> <p>119(2) In the specified circumstances, the power to consider all representations.</p> <p>120 In the specified circumstances, the power to form a belief that a ground no longer exists to cancel the accreditation.</p> <p>121(1)(b) In the specified circumstances, the power to form a belief that— (i) a ground still exists to cancel the accreditation; and (ii) cancellation of the accreditation is warranted.</p> <p>121(2) Power to cancel the accreditation.</p> <p>238(2) Power to extend the time for applying for the review.</p> <p>239(1) In the specified circumstances, the power to make a further decision after reviewing the original decision</p>		
DEL-BSC-029 Chief Executive Officer	<p>The powers provided to Council under the following sections of the Health (Drugs and Poisons) Regulation 1996:</p> <p>290(3)(a) In the specified circumstances, the power to grant a permit or an approval approving a person doing an act mentioned in section 290(2) of the Health (Drugs and Poisons) Regulation 1996.</p> <p>291(3)(b) In the specified circumstances, the power to make requirements regarding the disposal of the contents of a package containing a poison that is cracked or damaged.</p>	<p>15/04/2009 [Res - 05. 090415] None</p>	<p>Council to be advised of the exercise of this delegation at the next ordinary meeting after which this delegation has been exercised.</p>
DEL-BSC-030 Chief Executive Officer	<p>The powers provided to Council under the following sections of the Integrated Planning Act 1997:</p> <p>3.2.1(8) Power to refuse to receive an application that is not a properly made application.</p> <p>3.2.1(9) In the specified circumstances, the power to consider and accept an application that is not a properly made application.</p> <p>3.2.3(1) In the specified circumstances, the power to give an applicant a notice (the acknowledgement notice) within the specified time periods.</p>	<p>15/04/2009 [Res - 05. 090415] None</p>	<p>Council to be advised of the exercise of this delegation at the next ordinary meeting after which this delegation has been exercised.</p>

UNCONFIRMED

Init _____

Burke Shire Council – Minutes of Ordinary Council Meeting 15th April 2009
Appendix 1: Schedule 1 – Delegations to the Chief Executive Officer

	<p>3.2.7(1) Power to ask any person for advice or comment about an application at any stage.</p> <p>3.2.8(3) Power to be satisfied that supporting material contains sensitive security information.</p> <p>3.2.9(2) If a notice of a change to an application is received, the power to advise any referral agencies for the original application and the changed application of the receipt of the notice and its effect under section 3.2.9(3) of the Integrated Planning Act 1997.</p> <p>3.2.9(4)(b) Power to be satisfied that a change would not adversely affect the ability of a person to assess a changed application.</p> <p>3.2.10(c) Power to be satisfied that a change to an application, if the notification stage were to apply to the change, would not be likely to attract a submission objecting to the thing comprising the change.</p> <p>3.2.13 Power to refund all or part of a fee paid for assessment of an application.</p> <p>3.3.3(4) In the specified circumstances, the power to, on behalf of an applicant and with the applicant's agreement, comply with section 3.3.3(1) of the Integrated Planning Act 1997.</p> <p>3.3.6(1) In the specified circumstances, the power to ask an applicant, by written request (an information request), to give further information needed to assess an application.</p> <p>3.3.6(5) On making an information request, the power to:</p> <ul style="list-style-type: none"> (a) give the assessment manager a copy of the information request; and (b) advise the assessment manager of the day the request was made. <p>3.3.6(6) Power to, by written notice given to an applicant and without the applicant's agreement, extend the information request period by not more than 10 business days.</p> <p>3.3.6(9) On extending the information request period, the power to advise the assessment manager of the extension.</p> <p>3.3.9 After receiving an applicant's response, the power to advise the assessment manager of the day of the applicant's response under section 3.3.8 of the Integrated Planning Act 1997.</p> <p>3.3.14(3) Power to, by written notice given to an applicant and without the applicant's</p>		
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UNCONFIRMED

Init _____

Burke Shire Council – Minutes of Ordinary Council Meeting 15th April 2009
Appendix 1: Schedule 1 – Delegations to the Chief Executive Officer

	<p>agreement, extend your assessment period by not more than the specified periods.</p> <p>3.3.14(6) If your assessment period is extended, the power to advise the assessment manager of the extension.</p> <p>3.3.15(1) Power to, within the limits of your jurisdiction, assess an application:</p> <ul style="list-style-type: none"> (a) against the laws that are administered by, and the policies that are reasonably identifiable as policies applied by, you (as the referral agency); and (b) having regard to the specified instruments and criteria; and (c) for a concurrence agency - against any applicable concurrence agency code. <p>3.3.16(1) In the specified circumstances, the power to give your response (a referral agency's response) to the assessment manager, and give a copy of the response to the applicant, during the referral agency's assessment period.</p> <p>3.3.16(2) In the specified circumstances, the power to give your response (also a referral agency's response) to the assessment manager, and give a copy of the response to the applicant, during the referral agency's assessment period.</p> <p>3.3.16(3) In the specified circumstances power to decide the application as if the agency had assessed the application and had no concurrence agency requirements.</p> <p>3.3.17(1) In the specified circumstances, the power to give a response or amend your response.</p> <p>3.3.17(3) If you give or amend a response under section 3.3.17(1) of the Integrated Planning Act 1997, the power to give:</p> <ul style="list-style-type: none"> (a) to the assessment manager - the response or the amended response and a copy of an agreement under section 3.3.17(2) of the Integrated Planning Act 1997; and (b) to the applicant - a copy of the response or amended response. <p>3.4.4(1) In the specified circumstances, the power to:</p> <ul style="list-style-type: none"> (a) publish a notice at least once in a newspaper circulating generally in the locality of the land; and (b) place a notice on the land in the way prescribed under a regulation; and (c) give notice to the owners of all land adjoining the land. <p>3.4.4(3) In the specified circumstances, the power to require an applicant to pay a fee.</p>		
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UNCONFIRMED

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	<p>3.4.8 In the specified circumstances, the power to assess and decide an application even if some of the requirements of Division 2, Part 4, Chapter 3 of the Integrated Planning Act 1997 have not been complied with, if satisfied that any non-compliance has not:</p> <ul style="list-style-type: none"> (a) adversely affected the awareness of the public of the existence of the application; or (b) restricted the opportunity of the public to make properly made submissions. <p>3.4.9(2) Power to accept a submission if the submission is a properly made submission.</p> <p>3.4.9(3) Power to accept a written submission even if the submission is not a properly made submission.</p> <p>3.5.1(3) In the specified circumstances, the power to start assessing an application before the start of the decision stage.</p> <p>3.5.4(2) Power to assess any part of an application requiring code assessment against the specified codes, material and instruments.</p> <p>3.5.4(4) In the specified circumstances and if an application is a development application (superseded planning scheme) and the applicant has been given a notice under section</p> <p>3.2.5(3)(a) the power to assess and decide the application as if:</p> <ul style="list-style-type: none"> (a) the application were an application to which the superseded planning scheme applied; and (b) the existing planning scheme was not in force; and (c) for Chapter 5, Part 1 of the Integrated Planning Act 1997, the infrastructure provisions of the existing planning scheme applied; and (d) for section 6.1.31, the existing planning scheme policy or planning scheme provision applied. <p>3.5.5(2) In the specified circumstances and if an application is for development in a planning scheme area, the power to carry out the impact assessment having regard to the specified material, instruments, laws and matters.</p> <p>3.5.5(3) In the specified circumstances and if an application is for development outside a planning scheme area, the power to carry out the impact assessment having regard to the specified material, instruments, laws and matters.</p>		
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Burke Shire Council – Minutes of Ordinary Council Meeting 15th April 2009
Appendix 1: Schedule 1 – Delegations to the Chief Executive Officer

	<p>3.5.5(4) In the specified circumstances and if an application is a development application (superseded planning scheme) and the applicant has been given a notice under section</p> <p>3.5.5A(2) In the specified circumstances, the power to assess the part of the application having regard to the specified material, instruments and matters.</p> <p>3.5.6(2) In the specified circumstances and in assessing an application, the power to give the weight you are satisfied is appropriate to a code, planning instrument, law or policy that came into effect after the application was made, but:</p> <p>(a) before the day the decision stage for the application started; or</p> <p>(b) if the decision stage is stopped - before the day the decision stage is restarted.</p> <p>3.5.7(1) Power to decide the application within 20 business days after the day the decision stage starts (the decision making period).</p> <p>3.5.7(2) Power to, by written notice given to an applicant and without the applicant's agreement, extend the decision making period by not more than 20 business days.</p> <p>3.5.11(1) In deciding an application, the power to:</p> <p>(a) approve all or part of the application and attach to the approval, in the exact form given by the concurrence agency, any concurrence agency conditions; or</p> <p>(b) approve all or part of the application subject to conditions decided by you and attach to the approval, in the exact form given by the concurrence agency, any concurrence agency conditions; or</p> <p>(c) refuse the application.</p> <p>3.5.11(6)(b) Power to give a preliminary approval even though an applicant sought a development permit.</p> <p>3.5.13(2) In the specified circumstances, the power to approve an application if satisfied the application complies with all applicable codes whether or not conditions are required for the development to comply with the codes.</p> <p>3.5.13(3) In the specified circumstances, the power to make a decision that may conflict with an applicable code only if there are sufficient grounds to justify the decision despite the conflict, having regard to the specified matters.</p>		
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UNCONFIRMED

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	<p>3.5.14A(1) In the specified circumstances and in deciding the part of an application for a preliminary approval mentioned in section 3.1.6 of the Integrated Planning Act 1997 that states the way in which the applicant seeks the approval to vary the effect of any applicable local planning instrument for the land, the power to:</p> <ul style="list-style-type: none"> (a) approve all or some of the variations sought; or (b) subject to sections 3.1.6(3) and (5) of the Integrated Planning Act 1997 - approve different variations from those sought; or (c) refuse the variations sought. <p>3.5.15(1) Power to give written notice of a decision in the approved form (the decision notice) to the specified entities.</p> <p>3.5.15(3) If an application is approved, the power to give a copy of the decision notice to each principal submitter within the specified time periods.</p> <p>3.5.15(3A) If an application is refused, the power to give a copy of the decision notice to each principal submitter at about the same time as the decision notice is given to the applicant.</p> <p>3.5.19(2) If a submitter acts under section 3.5.19(1)(b)(ii) of the Integrated Planning Act 1997, the power to give an applicant a copy of the submitter's notice.</p> <p>3.5.23(1) In deciding a request under section 3.5.22. power to have regard to—</p> <ul style="list-style-type: none"> (a) the consistency of the approval, including its conditions, with the current laws and policies applying to the development, including, for example, the amount and type of infrastructure contributions, or infrastructure charges payable under an infrastructure charges schedule; and (b) the community's current awareness of the development approval; and (c) whether, if the request were refused— <ul style="list-style-type: none"> (i) further rights to make a submission may be available for a further development application; and (ii) the likely extent to which those rights may be exercised; and (d) the views of any concurrence agency for the approval. <p>3.5.23(2) If there was no concurrence agency, the power to approve or refuse an extension of a currency period within 30 business days after receiving the request.</p>		
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Burke Shire Council – Minutes of Ordinary Council Meeting 15th April 2009
Appendix 1: Schedule 1 – Delegations to the Chief Executive Officer

	<p>3.5.23(3) If there was a concurrence agency, the power to approve or refuse an extension of a currency period within the specified time period.</p> <p>3.5.23(4) Power to agree, with the person making the request to extend a currency period, to extend the period within which you must decide the request.</p> <p>3.5.23(5) If given a notice under section 3.5.22(1)(a) of the Integrated Planning Act 1997, the power to give the assessment manager a written notice advising:</p> <ul style="list-style-type: none"> (a) of having no objection to the extension of a currency period being approved; or (b) of having an objection to the extension of a currency period being approved and giving reasons for the objection. <p>3.5.23(8) In the specified circumstances, the power to have regard to a notice from a concurrence agency when deciding the request to extend a currency period.</p> <p>3.5.23(9) Power to make a decision under section 3.5.23 of the Integrated Planning Act 1997 (in respect to a request to extend a currency period) even if the development approval was granted by the court.</p> <p>3.5.23(11) After deciding a request, the power to give written notice of the decision to the person asking for the extension and any concurrence agency that gave the assessment manager a notice under subsection (5).</p> <p>3.5.25(1) If there was no concurrence agency or building referral agency, the power to approve or refuse a change to a development permit within 30 business days after receiving the request.</p> <p>3.5.25(2) If a concurrence agency or building referral agency is required to be given a notice under section 3.5.24(1)(a) or (b) of the Integrated Planning Act 1997, the power to approve or refuse the change within the specified time periods.</p> <p>3.5.25(3) Power to agree, with the person making the request to change a development approval, to extend the period within which you must decide the request.</p> <p>3.5.25(4) If given a notice under section 3.5.24(1)(a) or (b) of the Integrated Planning Act 1997, the power to give a written notice advising:</p> <ul style="list-style-type: none"> (a) of having no objection to the change to a development approval being made; or (b) of having an objection to the change to a development approval being made and give reasons for the objection. 		
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UNCONFIRMED

	<p>3.5.25(6) In the specified circumstances, power to have regard to a notice received from a concurrence agency or building referral agency when deciding a request to change a development approval.</p> <p>3.5.25(7) Power to make a decision under section 3.5.25 of the Integrated Planning Act 1997 (in respect to a request to change a development approval) even if the development approval was granted by the court.</p> <p>3.5.25(8) After deciding a request to change a development approval, the power to give written notice of the decision to the person asking for the change and any concurrence agency or building referral agency that gave a notice under section 3.5.25(4) of the Integrated Planning Act 1997.</p> <p>3.5.26(5) After receiving a notice and fee, the power to cancel an approval and give notice of the cancellation to the person who applied for the cancellation and to each concurrence agency.</p> <p>3.5.33(5) Power to decide a request to change or cancel a condition within 20 business days after receiving the request.</p> <p>3.5.33(6) Power to agree, with the person making the request to change or cancel a condition, to extend the period within which you must decide the request.</p> <p>3.5.33(7) To the extent relevant, the power to assess and decide a request to change or cancel a condition having regard to the specified matters.</p> <p>3.5.33(7A) If a building referral agency gave advice about an aspect of the application subject to a request to change or cancel a condition, the power to have regard to the opinion of the building referral agency about the change before deciding the request.</p> <p>3.5.33(8) Power to give the person, who made the request to change or cancel a condition, written notice of your decision.</p> <p>3.5.33(9) Power to give the assessment manager written notice of any change or cancellation.</p> <p>3.5.33A(3)(a) Power to change or cancel a development condition that was imposed as a concurrence agency condition.</p>		
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Burke Shire Council – Minutes of Ordinary Council Meeting 15th April 2009
Appendix 1: Schedule 1 – Delegations to the Chief Executive Officer

	<p>3.5.33A(3)(b) Power to change or cancel a development condition that was imposed by an assessment manager.</p> <p>3.5.33A(3)(c) In the specified circumstances, the power to change or cancel a development condition.</p> <p>3.5.33A(7) If satisfied it is necessary to change or cancel a condition, the power to give written notice to the owner of the land to which the approval attaches and any occupier of the land.</p> <p>3.5.33A(9) After considering any submissions, the power to give to each person to whom the notice was given:</p> <ul style="list-style-type: none"> (a) if you are not satisfied the change or cancellation is necessary - written notice stating your decision not to change or cancel the condition; or (b) if you are satisfied the change or cancellation is necessary - written notice stating your decision to change or cancel the condition, and include details of the changed conditions or cancellation. <p>3.5.33A(10) Power to give the assessment manager written notice of the change or cancellation.</p> <p>3.5.34 Power to enter into an agreement with the applicant to establish the obligations, or secure the performance, of a party to the agreement about a condition.</p> <p>3.7.2(3) In the specified circumstances, the power to approve a plan.</p> <p>3.7.2(4) Alternatively and in the specified circumstances, the power to approve a plan.</p> <p>3.7.2(5) In the specified circumstances, the power to give an applicant written notice stating the actions to be taken to allow a plan to be approved.</p> <p>3.7.3(3) In the specified circumstances, the power to approve a plan.</p> <p>3.7.3(4) Alternatively and in the specified circumstances, the power to approve a plan.</p> <p>3.7.3(5) In the specified circumstances, the power to give an applicant written notice stating the actions to be taken to allow a plan to be approved.</p> <p>3.7.4(2) In the specified circumstances, the power to approve a plan.</p>		
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UNCONFIRMED

Init _____

Burke Shire Council – Minutes of Ordinary Council Meeting 15th April 2009
Appendix 1: Schedule 1 – Delegations to the Chief Executive Officer

	<p>3.7.4(3) In the specified circumstances, the power to give an applicant written notice stating the actions to be taken to allow a plan to be approved.</p> <p>4.3.8(a) Power to form the reasonable belief work is a danger to persons or a risk to public health.</p> <p>4.3.8(b) Power to form the reasonable belief work is of a minor nature.</p> <p>4.3.8(h) Power to form the reasonable belief that development is causing erosion or sedimentation.</p> <p>4.3.9 Before giving an enforcement notice, the power to give a person a notice (a show cause notice) inviting the person to show cause why the enforcement notice should not be given.</p> <p>4.3.11(1) If you reasonably believe a person has committed, or is committing, a development offence, the power to give a notice (an enforcement notice) to the person requiring the person to do either or both of the following: (a) to refrain from committing the offence; (b) to remedy the commission of the offence in the way stated in the enforcement notice.</p> <p>4.3.11(4) Power to form a reasonable belief that the work, in relation to which the enforcement notice is to be given, is dangerous.</p> <p>4.3.11(7) If, in relation to a development offence involving premises, the person who committed the offence is not the owner of the premises, the power to also give an enforcement notice to the owner requiring the owner to remedy the commission of the offence in the way stated in the enforcement notice.</p> <p>4.3.12 In the specified circumstances, the power to give an enforcement notice only if, after considering all representations made by the person about the show cause notice within the time stated in the show cause notice, you still believe it is appropriate to give the enforcement notice.</p> <p>4.3.13(2) For the purpose of an enforcement notice requiring a person to demolish or remove a work, the power to form the reasonable belief that it is not possible and practicable to take steps: (a) to make a work comply with a development approval or a code; or (b) if the work is dangerous - to remove the danger.</p>		
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UNCONFIRMED

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	<p>5.1.18(2) Power to give a regulated infrastructure charges notice to an applicant within the specified time periods.</p> <p>5.1.23(2) Power to enter into a written agreement with an applicant stating a regulated infrastructure charge is a debt owing to Council by the applicant or person.</p> <p>5.5.2 Power to enter land at all reasonable times to undertake works if satisfied that:</p> <ul style="list-style-type: none"> (a) implementing a development approval would require the undertaking of works on land other than the land the subject of the application; and (b) the applicant has taken reasonable steps to obtain the agreement of the owner of the land to enable the works to proceed, but has not been able to obtain such an agreement; (c) the action is necessary to implement the development approval. <p>6.1.44(4) If satisfied it is necessary to change or cancel the condition, the power to give a written notice to the owner of the land to which the approval attaches and any occupier of the land.</p> <p>6.1.44(6) After considering any representations, the power to give to each person to whom the notice was given:</p> <ul style="list-style-type: none"> (a) if you are not satisfied the change or cancellation is necessary - written notice stating your decision not to change or cancel the condition; or (b) if you are satisfied the change or cancellation is necessary - written notice stating your decision to change or cancel the condition, including details of the changed or cancelled conditions. <p>6.1.44(7) Power to give the assessment manager written notice of the change or cancellation.</p>		
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Burke Shire Council – Minutes of Ordinary Council Meeting 15th April 2009
Appendix 1: Schedule 1 – Delegations to the Chief Executive Officer

<p>DEL-BSC-031 Chief Executive Officer</p>	<p>The powers provided to Council under the following sections of the Land Act 1994: 12(3) In the specified circumstances, the power to suitably indicate where the boundary of the land is across the surface of the water. 12(4) In the specified circumstances, the power to regulate or prohibit the use or movement of ships in or over the water above the inundated land. 45(2) Power to advise the chief executive of Council's address and any change to the address. 47(2) In the specified circumstances, the power to give a copy of an audited financial statement to the chief executive within 28 days after it has been finished. 62(1) Power to ask the chief executive to group trust land that has the same or complementary purposes under Council's control. 81(1) In the specified circumstances, the power to ask that a cemetery be closed to further burials. 81(4) In the specified circumstances, the power to ask that a cemetery be reopened for burials. 155A(2) In the specified circumstances, the power to apply to extend the lease. 155B(2) In the specified circumstances, the power to apply to extend the lease.</p> <p>155E(3) In the specified circumstances, the power to appeal against the Minister's decision to reduce the term or extend the term of a lease. 158(1) In the specified circumstances, the power to apply for an offer of a new lease (a renewal application) unless a condition of the lease or this Act prohibits its renewal. 160(3) In the specified circumstances, the power to appeal against the Chief Executive's decision to refuse a renewal application if the only reason for the refusal was that the applicant had not fulfilled the conditions of the lease.</p>	<p>15/04/2009 [Res - 05. 090415] None</p>	<p>Council to be advised of the exercise of this delegation at the next ordinary meeting after which this delegation has been exercised.</p>
<p>DEL-BSC-032 Chief Executive Officer</p>	<p>The powers provided to Council under the following sections of the Land Protection (Pest and Stock Route Management) Act 2002:</p> <p>78(1)(b) Power to form a reasonable belief a class 3 pest on an owner's land is causing, or has the potential to cause, an adverse economic, environmental or social impact on: (i) the owner's land that is, or is in or adjacent to, an environmentally significant area; or (ii) an environmentally significant area adjacent to the owner's land.</p> <p>78(2) In the specified circumstances, the power to give an owner a written notice (a pest control notice). 78(3)(b) In the specified circumstances, the power to be satisfied that an animal or plant, that is not a declared pest:</p>	<p>15/04/2009 [Res - 05. 090415] None</p>	<p>Council to be advised of the exercise of this delegation at the next ordinary meeting after which this delegation has been exercised.</p>

UNCONFIRMED

Init _____

Burke Shire Council – Minutes of Ordinary Council Meeting 15th April 2009
Appendix 1: Schedule 1 – Delegations to the Chief Executive Officer

	<p>(i) is threatening, or is likely to threaten, the survival of native wildlife in the area; or (ii) is affecting, or is likely to affect, the area's capacity to sustain natural processes.</p> <p>79(3) After considering a request made under section 79(1) of the Land Protection (Pest and Stock Route Management) Act 2002, the power to, by written notice given to a landowner:</p> <p>(a) extend the period to a date stated in the notice if satisfied: (i) it is not reasonably practicable for the person to comply with the notice in the period; or (ii) it is otherwise reasonable in the circumstances to extend it; or (b) refuse to extend the period.</p> <p>79(4) In the specified circumstances, the power to give a landowner an information notice about a decision. 80(1) In the specified circumstances, the power to give an owner a written notice (an entry notice). 80(3) Power to give a landowner a further entry notice if you reasonably believe it is necessary for a pest controller to enter the land to check the effectiveness of action taken under an entry notice or take further action. 81(1) Power to authorise a pest controller to: (a) at a reasonable time, enter an owner's land on the date stated in an entry notice or as soon as practicable after the stated date; and (b) take the action stated in the notice; and (c) take onto the land the persons, equipment and materials the pest controller reasonably requires to take the action. 82(1)(c) Power to cancel an entry notice. 116(2)(c)(i)(B) In the specified circumstances, the power to be satisfied that the relevant land contains more pasture and water than is needed for the use of travelling stock. 116(2)(c)(ii) In the specified circumstances, the power to give notice that a person may apply for a permit for the land. 117(1) Power to, by written notice, ask an applicant to give further reasonable information or documents about the application by the reasonable date stated in the notice. 117(2) Power to refuse an application if an applicant does not give the information or documents by the stated day, without reasonable excuse. 118(1) Power to consider and decide whether to grant or refuse an application. 118(2) In the specified circumstances, the power to grant an application. 118(2)(b) Power to be satisfied that the specified criteria applies. 119(1)(b) In the specified circumstances, the power to give an applicant a review notice</p>		
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UNCONFIRMED

Init _____

Burke Shire Council – Minutes of Ordinary Council Meeting 15th April 2009
Appendix 1: Schedule 1 – Delegations to the Chief Executive Officer

	<p>about the decision.</p> <p>121(a) In the specified circumstances, the power to give an applicant a review notice about the decision.</p> <p>123(1) Power to consider and decide whether to grant or refuse an application.</p> <p>123(2) Power to be satisfied that there is enough pasture and water available on the land for the continued agistment and the use of travelling stock.</p> <p>124(1)(b) In the specified circumstances, the power to give an applicant a review notice about the decision.</p> <p>125(a) In the specified circumstances, the power to give an applicant a review notice about the decision.</p> <p>126(1) Power to impose on stock route agistment permits the reasonable conditions you decide.</p> <p>127(3) Power to consider and decide whether to grant or refuse an application.</p> <p>127(4) In the specified circumstances, the power to give a holder written notice of the amended conditions.</p> <p>127(5) In the specified circumstances, the power to give a holder a review notice about the decision.</p> <p>128(1) Power to cancel a stock route agistment permit if satisfied the specified criteria applies.</p> <p>128(2)(a) In the specified circumstances, the power to give a permit holder a written notice.</p> <p>130(1) Power to, by written notice, require the holder of a stock route agistment permit to return the permit, within a stated reasonable period, for amendment under a decision made under section 127(4) or 129(2)(b)(ii) to (iv) of the Land Protection (Pest and Stock Route Management) Act 2002.</p> <p>135(1) Power to, by written notice, ask an applicant to give further reasonable information or documents about an application by the reasonable date stated in the notice.</p> <p>135(2) Power to refuse an application for a stock route travel permit if an applicant does not give the information or documents by the stated day, without reasonable excuse.</p> <p>136(1) Power to consider and decide whether to grant or refuse an application.</p> <p>136(2) Power to be satisfied that the specified criteria applies.</p> <p>137(1)(b) In the specified circumstances, the power to give an applicant a review notice about the decision.</p> <p>139(a) In the specified circumstances, the power to give an applicant a review notice about the decision.</p> <p>141(1) In the specified circumstances, the power to, by written notice, require the holder to return the stock route travel permit.</p> <p>142(1) Power to impose on stock route travel permits the reasonable conditions you decide.</p> <p>143(3) Power to consider and decide whether to grant or refuse an application.</p> <p>143(4) In the specified circumstances, the power to give a holder written notice of the</p>		
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UNCONFIRMED

Init _____

Burke Shire Council – Minutes of Ordinary Council Meeting 15th April 2009
Appendix 1: Schedule 1 – Delegations to the Chief Executive Officer

	<p>amended conditions.</p> <p>143(5) In the specified circumstances, the power to give a holder a review about the decision.</p> <p>144(1) Power to cancel a stock route travel permit if satisfied the specified criteria applies.</p> <p>144(2)(a) In the specified circumstances, the power to give a permit holder written notice.</p> <p>146(1) Power to, by written notice, require the holder of a stock route travel permit to return the permit within a stated reasonable period for amendment under a decision made under section 143(4) or 145(2)(b)(ii) to (iv) of the Land Protection (Pest and Stock Route Management) Act 2002.</p> <p>147(2) Power to authorise inspections to calculate the rate of travel of stock.</p> <p>156(1) In the specified circumstances, the power to, by written notice (a mustering notice) given to a permit holder, require the permit holder to muster the permit holder's stock on the land.</p> <p>161(2) Power to, by written notice given to a landowner, require the owner to reduce the number of stock on the land.</p> <p>180(1) Power to consent to the burning of pasture on a stock route network within Council's area.</p> <p>180(2) Power to consent to the removal of pasture on a stock route network within Council's area.</p>		
<p>DEL-BSC-033 Chief Executive Officer</p>	<p>The powers provided to Council under the following sections of the Local Government Act 1993:</p> <p>250Z(1) Power to appoint a pool of members for Council's conduct review panel.</p> <p>250ZJ(1) Power to give notice to a person that a complaint made by the person about a breach of Council's code of conduct by a councillor will not be dealt with because it appears—</p> <p>(a) to concern frivolous matter; or</p> <p>(b) to have been made vexatiously.</p> <p>287(1) In the specified circumstances, the power to inform the Minister, in writing, whether each division of its area is consistent with the basis specified in section 286(2) of the Local Government Act 1993.</p> <p>450(1) In the specified circumstances, the power to give written notice of each meeting or adjourned meeting of Council to each councillor at least 2 days before the day of the meeting.</p> <p>536(1) In the specified circumstances, the power to immediately give written notice to—</p> <p>(a) the police officer in charge of the police station at, or nearest to, the place where the property is suspected to have been stolen; and</p> <p>(b) the auditor-general.</p>	<p>15/04/2009 [Res - 05. 090415] None</p>	<p>Council to be advised of the exercise of this delegation at the next ordinary meeting after which this delegation has been exercised.</p>

UNCONFIRMED

Init _____

Burke Shire Council – Minutes of Ordinary Council Meeting 15th April 2009
Appendix 1: Schedule 1 – Delegations to the Chief Executive Officer

	<p>536(2) In the specified circumstances, the power to immediately give written notice to the auditor-general.</p> <p>548 As soon as practicable after deciding a business activity is a new type 1 or 2 business activity, the power to give written notice to the Minister.</p> <p>902(3) Power to serve a notice (the notice of realignment) on an owner of land affected by a realignment.</p> <p>903(1) In the specified circumstances, the power to permit an owner of land to erect, place, re-erect, replace or repair any structure or part of a structure on the land between the existing and proposed alignments of a road.</p> <p>905(2) In the specified circumstances, the power to require a claimant to give you information reasonably required to decide a claim for compensation.</p> <p>909(1) Unless land between the existing and proposed alignments of a road has been sold, the power to acquire the land instead of paying compensation for injurious affection.</p> <p>909(2) In the specified circumstances and if, after a notice of realignment is served, land between the existing and proposed alignments of a road has been cleared of all structures, the power to acquire the land.</p> <p>911(2) In the specified circumstances, the power to, before a realignment of a road has been carried out, decide not to proceed with the realignment or with a part of it.</p> <p>911(3) Power to serve notice of a decision made under section 911(2) of the Local Government Act 1993 on—</p> <p>(a) all owners of land who were served with notice of the realignment; and</p> <p>(b) all owners of land that, after the realignment has been carried out in part, adjoins the realigned boundary of the road.</p> <p>913(1) Power to widen a road by acquiring from an owner of land adjoining the road land for use as a footpath.</p> <p>913(2) Power to decide, at or before an acquisition of land under section 913(1) of the Local Government Act 1993, whether the acquisition should be subject to a reservation in favour of the owner of any of the specified rights.</p> <p>914(2) In the specified circumstances, the power to object to the opening or closure of a road.</p> <p>915(1) Power to, by public notice, close a road, or part of a road, permanently or temporarily, to particular traffic, if there is another road, or route, reasonably available for use by the traffic.</p> <p>915(2) Power to, by public notice, close a road to all traffic or particular traffic—</p> <p>(a) during a temporary obstruction to traffic; or</p> <p>(b) if it is necessary or desirable to close the road for—</p> <p>(i) a temporary purpose; or</p>		
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UNCONFIRMED

Init _____

Burke Shire Council – Minutes of Ordinary Council Meeting 15th April 2009
Appendix 1: Schedule 1 – Delegations to the Chief Executive Officer

<p>(ii) in the interests of public safety.</p> <p>915(3) Power to publish a notice under section 915(1) or 915(2) of the Local Government Act 1993 in the way you consider appropriate in each particular case.</p> <p>917(2) In the specified circumstances, the power to give written advice about the permanent level of a road to the owner or occupier of land adjoining the road.</p> <p>918(2) In the specified circumstances, the power to agree with an owner or occupier of land adjoining a road on reasonable compensation because of the injurious affection.</p> <p>919A(1)(a) In the specified circumstances, the power to consider whether the carrying on of an activity prescribed under a regulation is having, or will have, a significant adverse impact on a road under Council's control.</p> <p>919A(2) In the specified circumstances, the power to require an entity carrying out an activity to provide information, within a reasonable time, that will enable you to assess the impact.</p> <p>919A(3) After assessing the impact, the power to decide to do 1 or more of the following—</p> <ul style="list-style-type: none"> (a) give an entity a direction about the use of the road to lessen the impact; or (b) require the entity— <ul style="list-style-type: none"> (i) to carry out works to lessen the impact; or (ii) to pay an amount as compensation for the impact. <p>919A(4) Power to require the works to be carried out or the amount to be paid before the impact commences or intensifies.</p> <p>921(4) Power to consider other particulars are appropriate to be shown in the register of roads.</p> <p>921A(1) In the specified circumstances, the power to control easement land.</p> <p>941(1) In the specified circumstances, the power to, by written notice, require an owner of the land on which there is a levee bank to apply to Council within a specified reasonable period for permission to keep the levee bank or part of the levee bank.</p> <p>956(1) Power to, by written notice, require an owner of premises to connect a stormwater installation for the premises to Council's stormwater drainage in the way, under the conditions and within the time stated in the notice.</p> <p>956A(1)(a) Power to approve a connection of a stormwater installation for premises to Council's stormwater drainage.</p> <p>956A(2) Power to impose conditions on an approval mentioned in section 956A(1) of the Local Government Act 1993, including conditions about the way the connection must be made.</p> <p>956C(2) In the specified circumstances, the power to, by written notice, require an owner of the premises to perform, within the time stated in the notice, the work stated in the notice.</p> <p>980(a) Power to authorise a person for Division 2, Part 3, Chapter 14 of the Local</p>	
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UNCONFIRMED

Init _____

Burke Shire Council – Minutes of Ordinary Council Meeting 15th April 2009
Appendix 1: Schedule 1 – Delegations to the Chief Executive Officer

	<p>Government Act 1993.</p> <p>984(3)(a) In the specified circumstances, the power to allow a further period within which a notice of objection must be given.</p> <p>984(3)(b) Power to approve the form of a notice of objection.</p> <p>985(1) In the specified circumstances, the power to authorise a person for the purpose of—</p> <p>(a) considering the categorisation of land; and</p> <p>(b) consider the facts and circumstances on which the claim is based.</p> <p>1021 If satisfied a person liable to pay a rate has been prevented, by circumstances beyond the person's control, from paying the rent in time to benefit from a discount under section 1019 or 1020 of the Local Government Act 1993, the power to still allow the discount.</p> <p>1026(2) In the specified circumstances, the power to adjust the rate.</p> <p>1032(1) Power to enter into an arrangement to defer payment of a rate until a specified time.</p> <p>This power must only be exercised if Council has made the necessary resolution under section 1033(1).</p> <p>1035(2)(a) The power to approve:</p> <ul style="list-style-type: none"> • the form of an application; and • the way in which an application must be made; <p>for Council to exercise a power under section 1031, 1032 or 1034 of the Local Government Act 1993.</p> <p>1041(1) In the specified circumstances, the power to give the information mentioned in section 1041(2) of the Local Government Act 1993, in writing, to -</p> <p>(a) the owner of land; and</p> <p>(b) each encumbrance, lessee or trustee who has given written notice to Council of the person's interest in the land.</p> <p>1043(3)(c) In the specified circumstances, the power to give a copy of the notice to—</p> <p>(i) the owner of land; and</p> <p>(ii) each encumbrance, lessee or trustee who has given written notice to Council of the person's interest in the land.</p> <p>1045(1) If a reserve price is not reached at an auction, the power to enter into negotiations with the highest bidder at the auction to sell the land by agreement.</p> <p>1052(1) In the specified circumstances, the power to give a written notice of Council's intention to acquire the land to—</p> <p>(a) the owner of land; and</p> <p>(b) each encumbrance, lessee or trustee who has given written notice to Council of the</p>		
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UNCONFIRMED

Init _____

Burke Shire Council – Minutes of Ordinary Council Meeting 15th April 2009
Appendix 1: Schedule 1 – Delegations to the Chief Executive Officer

	<p>person's interest in the land.</p> <p>1054(a) Power to ask the registrar of titles to issue 1 instrument of title for 2 or more parcels of land acquired under Part 7, Chapter 14 of the Local Government Act 1993 if the parcels are conterminous.</p> <p>1057(2) In the specified circumstances, the power to give written notice of Council's intention to deal with the land to the State or government entity.</p> <p>1057A(2) In the specified circumstances, the power to give written notice of Council's intention to deal with the land to the Queensland Housing Commission.</p> <p>1057A(3) In the specified circumstances, the power to agree with Queensland Housing Commission on conditions about paying to the Queensland Housing Commission an agreed amount on Council selling or acquiring the land.</p> <p>1061(1) Power to authorise Council's employees or agents—</p> <p>(a) to enter rateable land, other than the land specified; and</p> <p>(b) to search for, dig, raise and gather on the land and remove from the land any materials necessary for the exercise of Council's jurisdiction.</p> <p>1061(2)(b)(ii) In the specified circumstances, the power to give at least 7 days written notice to the owner and occupier.</p> <p>1061(6) If a person incurs loss or damage because of the exercise of a power under section 1061(1) of the Local Government Act 1993, the power to agree with the person as to the reasonable compensation payable because of the loss or damage.</p> <p>1066(2)(d) In the specified circumstances, the power to give reasonable notice to the owner and occupier of Council's intention to enter land or structure and perform the work.</p> <p>1067(1)(b) In the specified circumstances, the power to give an owner written notice of the amount payable by the owner for the work performed.</p> <p>1071(2) In the specified circumstances, the power to agree with the person as to the reasonable compensation payable because of the loss or damage.</p> <p>1072(4) Power to require an occupier of land or a structure to disclose the name of the owner of the premises.</p> <p>1084(1) Power to appoint any of the following persons as authorised persons under Part 5, Chapter 15 of the Local Government Act 1993—</p> <p>(a) employees of the local government;</p> <p>(b) other persons prescribed under the regulations.</p> <p>1084(3) Power to appoint a person as an authorised person under Part 5, Chapter 15 of the Local Government Act 1993 only if -</p> <p>(a) you consider the person has the necessary expertise or experience for the appointment; or</p> <p>the person has satisfactorily finished training approved for the appointment.</p>		
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UNCONFIRMED

Init _____

Burke Shire Council – Minutes of Ordinary Council Meeting 15th April 2009
Appendix 1: Schedule 1 – Delegations to the Chief Executive Officer

	<p>1084(3)(b) In the specified circumstances, the power to approve of training for the appointment of persons as authorised persons under Part 5, Chapter 15 of the Local Government Act 1993.</p> <p>1111(1) Power to authorise in writing a Council employee to— (a) give instructions and act as authorised agent for Council; and (b) sign all documents for Council; in a legal proceeding.</p> <p>1117(1) Power to authorise a Council employee to verify a copy of a document purporting to be made under Council's or the Mayor's authority.</p> <p>1129(5) Power to decide the terms of employment of Council's employees.</p> <p>1139(2) Power to decide which other employees of Council the chief executive officer must keep a register of interests of.</p> <p>1193H(1)(b) Power to recognise, for section 1193H of the Local Government Act 1993, a body that supervises an exhibition or an obedience trial.</p> <p>1193S(1) Power to, after a permit application has been made, by written notice, require an applicant to give a stated document or information that is relevant to the application.</p> <p>1193T(1) Power to grant or refuse a permit application within 21 days after the later of the following to happen— (a) the making of the application; (b) the receiving of all necessary information to decide the application.</p> <p>1193T(2)(b) Power to be satisfied whether a place for which an application is made has a detached house on it in which someone usually lives.</p> <p>1193T(2)(c) Power to be satisfied whether a dog is 9 months or older and has not been de-sexed.</p> <p>1193T(3) Power to be satisfied that the de-sexing of a dog is not in the interests of the dog's health.</p> <p>1193T(5) If you grant an application, the power to impose a condition provided for under a local law made under section 1193Y(2) of the Local Government Act 1993.</p> <p>1193U In deciding a permit application, the power to consider the specified matters.</p> <p>1193X In the specified circumstances, the power to give an applicant an information notice about the decision to refuse a permit application.</p> <p>1193ZJ(1) Power to grant or refuse a renewal application within 21 days after the later of the following to happen— (a) the making of the application; (b) the receiving of all necessary information to decide the application.</p> <p>1193ZJ(4) Power to— (a) in deciding an application, consider the matters mentioned in section 1193U of the</p>		
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UNCONFIRMED

Burke Shire Council – Minutes of Ordinary Council Meeting 15th April 2009
Appendix 1: Schedule 1 – Delegations to the Chief Executive Officer

	<p>Local Government Act 1993; and (b) seek further documents or information in the way mentioned in section 1193S of the Local Government Act 1993. 1193ZJ(5)(b) In the specified circumstances, the power to give an applicant an information notice about the decision to refuse an application for a renewal. 1193ZM(1) Power to amend a restricted dog permit at any time, by giving its holder written notice of the amendment and recording particulars of the amendment in the restricted dog register, if the amendment— (a) is to correct a clerical or formal error; or (b) does not adversely affect the holder's interests; or (c) is at the holder's written request.</p> <p>1193ZN(3) Power to— (a) consider other information as appropriate to be included in a restricted dog register; and (b) consider which way is appropriate to keep the restricted dog register. 1193ZQ(1) Power to, by complying with the requirements of Part 4, Chapter 17A of the Local Government Act 1993, declare a particular dog to be a restricted dog (a restricted dog declaration). 1193ZR(1) Power to:</p> <ul style="list-style-type: none"> • propose to make a restricted dog declaration; <p>give any owner of the dog written notice (a proposed declaration notice). 1193ZT Power to withdraw a proposed declaration notice by giving written notice of the withdrawal to any owner of the dog the subject of the proposed declaration notice. 1193ZV(1) Power to consider any written representations and evidence accompanying them within the period stated in a proposed declaration notice. 1193ZV(2) Power to make a restricted dog declaration if satisfied, after complying with section 1193ZV(1) of the Local Government Act 1993, the dog is of a breed or type mentioned in section 1193E(1) of the Local Government Act 1993. 1193ZW(1) In the specified circumstances, the power to give any owner of a dog the subject of a restricted dog declaration a notice under section 1193ZW(2) or 1193ZW(3) of the Local Government Act 1993. 1193ZZS(3) In the specified circumstances, the power to destroy a dog as soon as practicable after the surrender. "prohibited substance", paragraph (e)(i) In the specified circumstances, the power to approve a maximum temperature for a substance.</p>		
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UNCONFIRMED

Init _____

Burke Shire Council – Minutes of Ordinary Council Meeting 15th April 2009
Appendix 1: Schedule 1 – Delegations to the Chief Executive Officer

<p>DEL-BSC-034 Chief Executive Officer</p>	<p>The powers provided to Council under the following sections of the Standard Plumbing and Drainage Regulation 2000:</p> <p>14(6) Power to require a person to give a reasonable number of copies of a plan for regulated work.</p> <p>14D(3)(c)(ii) In the specified circumstances the power to require other information in relation to the testing.</p> <p>15(2) In the specified circumstances, the power to accept certification of a plan for regulated work and associated documents by a competent person.</p> <p>18(2) In the specified circumstances, the power to require a person to give Council the information or documents needed to assess the regulated work.</p> <p>20(2)(a) In the specified circumstances, the power to agree on a time an inspector must start assessing the regulated work or onsite sewerage work with the responsible person for the regulated work or onsite sewerage work.</p> <p>22(6) In the specified circumstances, the power to allow a responsible person for regulated work or onsite sewerage work to give a compliance report at a time more than 10 business days after the testing or commissioning.</p> <p>22(7)(b)(i) In the specified circumstances, the power to form an opinion that another person is competent to test or commission the plumbing or drainage.</p> <p>27 In the specified circumstances, the power to decide to test or commission plumbing or drainage.</p> <p>29(1)(b) Power to decide to accept a notice given under section 86A(3)(a) of the Plumbing and Drainage Act 2002 from another person.</p> <p>29(3) If a notice given under section 86A(3)(a) of the Plumbing and Drainage Act 2002 is accepted from an approved person, the power to advise the person who performs the regulated work of this decision.</p> <p>29(4) Power to form an opinion that a person is competent to verify the regulated work complies with the Standard Plumbing and Drainage Regulation 2003.</p> <p>30(3)(b) Power to:</p> <ul style="list-style-type: none"> • be satisfied that use of a non-certified plumbing or drainage item is necessary for maintaining the plumbing and drainage in its original form; and • approve the continued use of the non-certified plumbing or drainage item. <p>30(4) For approving the continued use of a non-certified plumbing or drainage item under section 30(3)(b) of the Standard Plumbing and Drainage Regulation 2003, the power to require a person to have the plumbing or drainage item tested at the person's cost within a</p>	<p>15/04/2009 [Res - 05. 090415] None</p>	<p>Council to be advised of the exercise of this delegation at the next ordinary meeting after which this delegation has been exercised.</p>

UNCONFIRMED

Burke Shire Council – Minutes of Ordinary Council Meeting 15th April 2009
Appendix 1: Schedule 1 – Delegations to the Chief Executive Officer

<p>stated reasonable time and at a stated reasonable place.</p> <p>32 In the specified circumstances, the power to—</p> <ul style="list-style-type: none"> (a) require that a plumbing or drainage item is not installed or used in the circumstances; and (b) approve the installation or use of— <ul style="list-style-type: none"> (i) the plumbing or drainage item, but with a protective coating, lining or wrapping for the plumbing or drainage item; or (ii) another plumbing or drainage item. <p>34(1) In the specified circumstances, the power to form a belief on reasonable grounds that an ordinary supply pipe can not give an efficient water supply for the premises or premises group.</p> <p>34(2) In the specified circumstances and for a supply pipe for premises, the power to require—</p> <ul style="list-style-type: none"> (a) part or all of the supply pipe (the "premises main") to be built to the standard of a water main; and (b) the premises main to supply directly each separately occupied part of the premises; and (c) the premises main to supply directly each fire service within the premises. <p>34(3) In the specified circumstances and for a supply pipe for a premises group, the power to require—</p> <ul style="list-style-type: none"> (a) a part of the supply pipe (the "premise group main") to be built, in the way and to the extent directed, to the standard of a water main; and (b) each separately occupied part of the premises group to be served directly by a supply pipe connected to the premises group main; and (c) each separately occupied part of the premises group that is to have a fire service to be served directly by a fire service connected to the premises group main. <p>34(3)(b) In the specified circumstances, the power to direct the way and to the extent a part</p>	
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UNCONFIRMED

Burke Shire Council – Minutes of Ordinary Council Meeting 15th April 2009
Appendix 1: Schedule 1 – Delegations to the Chief Executive Officer

	<p>of a supply pipe (the "premises group main") is to be built to the standard of a water main.</p> <p>35(1) In the specified circumstances, the power to form the belief on reasonable grounds that drainage alone can not give efficient drainage for the premises.</p> <p>35(2) In the specified circumstances and for sanitary drainage for premises, the power to require the building of a sewer for the premises (the "premises sewer") that it is to the standard of a sewer forming part of Council's or another service provider's sewerage system.</p> <p>35(3) In the specified circumstances and for sanitary drainage for a premises group, the power to require a sewer for the premises group (the "premises group sewer") be built to the standard of a sewer forming part of Council's or another service provider's sewerage system.</p> <p>38(2) Power to authorise an entity to keep a register of the testable backflow prevention devices.</p> <p>39(1)(d) Power to require a larger capacity for a grease arrestor on premises.</p> <p>39(7)(a) Power to approve the diameter of any outlet pipe from a grease arrestor on premises.</p> <p>39(8) Power to approve the design and location of the ventilation for a grease arrestor on premises.</p> <p>39(9) In approving the design and location of a grease arrestor's ventilation under section 39(8) of the Standard Plumbing and Drainage Regulation 2003, the power to have regard to the grease arrestor's design and location of trap water seals in the grease arrestor.</p> <p>41(1)(a) Power to approve the connection of air cooling equipment to a supply pipe.</p> <p>41(2)(b) In the specified circumstances, the power to approve the connection and use of air cooling equipment that is in the form of a domestic evaporative air conditioner.</p> <p>41(3) Power to give an approval under section 41(2) of the Standard Plumbing and Drainage Regulation 2003 only if satisfied that it is reasonable in the circumstances to allow the equipment's use.</p> <p>44(1)(a) Power to approve the connection of hydraulic powered equipment to a supply pipe.</p> <p>44(2)(b) Power to approve the connection and use, on premises occupied by a disabled person, of hydraulic powered equipment that is in the form of a domestic water lift.</p> <p>44(3) Power to give an approval under section 44(2) of the Standard Plumbing and Drainage Regulation 2003 only if satisfied there is no other practical or economic way of giving mobility to the disabled person.</p> <p>45(1) Power to give written approval to a pipe carrying water supplied by Council or another service provider—</p> <p>(a) being connected to a water storage tank used to store water obtained from another source; or</p> <p>(b) being discharged into a water storage tank used to store water obtained from</p>		
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UNCONFIRMED

Init _____

Burke Shire Council – Minutes of Ordinary Council Meeting 15th April 2009
Appendix 1: Schedule 1 – Delegations to the Chief Executive Officer

	<p>another source.</p> <p>47(1) Power to give approval of a water closet pan, urinal or another fixture being installed in part of a premises below the level of the sewer or on-site sewerage facility for the premises.</p> <p>47(2) Power to give an approval under section 47(1) of the Standard Plumbing and Drainage Regulation 2003 only if satisfied on reasonable grounds that there is adequate provision for lifting waste water to the sewer or on-site sewerage facility and preventing sewerage flowing back into the room.</p> <p>52(2) In the specified circumstances, the power to, by written notice given to an owner of a new building and an owner of an old building, require that—</p> <p>(a) the new building's owner pay the reasonable costs of changing the vents on the old building; and</p> <p>(b) the old building's owner change the vents.</p> <p>53(2)(a) In the specified circumstances, the power to form the opinion that an individual has the qualifications, skills and experience to give the individual the necessary competence for assessing plumbing and drainage work.</p> <p>53(3)(a) In the specified circumstances, the power to form the opinion that an individual has the qualifications, skills and experience that gives the individual the necessary competence for inspecting and approving on-site sewerage facilities.</p> <p>54(3)(a) In the specified circumstances the power to perform the work.</p> <p>54(3)(b) In the specified circumstances the power to fairly apportion the reasonable overall cost between or among the owners.</p> <p>54(3)(c) In the specified circumstances the power to recover, as a debt from each owner, the owner's share of the costs.</p> <p>"Competent person" In the specified circumstances, the power to form an opinion that a person is competent to practise in the aspect of design of plumbing or drainage, including, for example, giving and certifying plans of plumbing or drainage work.</p>		
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UNCONFIRMED

Init _____

Burke Shire Council – Minutes of Ordinary Council Meeting 15th April 2009
Appendix 1: Schedule 1 – Delegations to the Chief Executive Officer

<p>DEL-BSC-035 Chief Executive Officer</p>	<p>The powers provided to Council under the following sections of the Plumbing and Drainage Act 2002:</p> <p>84(3) In the specified circumstances and if satisfied the plans or work comply with the Standard Plumbing and Drainage Regulation, the power to issue—</p> <p>(a) for a plan—a compliance permit; or</p> <p>(b) for work—a compliance certificate.</p> <p>85(3) Power to give a person making a compliance request, a written notice (an information request), requesting further information needed to assess the plan for regulated work or on site sewerage work.</p> <p>85(6) In deciding a compliance request, the power to—</p> <p>(a) give the person making the compliance request a compliance permit; or</p> <p>(b) refuse to give a compliance permit.</p> <p>85(7) Power to give a compliance permit on reasonable and relevant conditions decided by you for achieving compliance.</p> <p>85(8) If a compliance permit is given, the power to also give a copy of the permit to:</p> <p>(a) the owner of the premises to which the permit relates; and</p> <p>(b) if the permit is for a plan for work involving the installation of water meters on premises (the water service provider for the premises) if the water service provider is not the local government; and</p> <p>(c) if the permit relates to a greywater use facility that is or includes a large greywater treatment plant – the regulator.</p> <p>85(10) If a compliance permit is refused or given on conditions, the power to give the person who made the compliance request an information notice about the decision.</p> <p>85C(2)(b)(i) Power to be satisfied there is enough water available to premises at which the facility is proposed to be installed to operate the facility.</p> <p>85C(2)(b)(ii) Power to be satisfied either—</p> <p>(A) there is enough suitable land available as part of the premises to allow greywater from the facility to be used on the land; or</p> <p>(B) a suitable alternative arrangement has been made for the use of the greywater.</p> <p>85D(2)(b)(i) Power to be satisfied there is enough water available to premises at which the facility is proposed to be installed to operate the facility.</p> <p>85D(2)(b)(ii) Power to be satisfied either—</p> <p>(A) there is enough suitable land available as part of the premises to dispose of effluent from the onsite sewerage facility; or</p> <p>(B) a suitable alternative arrangement has been made to dispose of the effluent.</p> <p>85D(2)(b)(iii) Power to be satisfied the on-site sewerage facility is otherwise appropriate for the premises.</p>	<p align="center">15/04/2009 [Res - 05. 090415] None</p>	<p>Council to be advised of the exercise of this delegation at the next ordinary meeting after which this delegation has been exercised.</p>
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UNCONFIRMED

Init _____

Burke Shire Council – Minutes of Ordinary Council Meeting 15th April 2009
Appendix 1: Schedule 1 – Delegations to the Chief Executive Officer

	<p>85E(4)(b) Power to extend the decision period to a longer period.</p> <p>86(3A) In the specified circumstances the power to decide not to carry out the assessment. If an approval person for the assessment gives it a notice (a notice of compliance) in an approved form verifying that the work complies with—</p> <ul style="list-style-type: none"> (a) the relevant compliance permit; and (b) the Standard Plumbing & Drainage Regulation. <p>86(5) Power to assess regulated work at the stages prescribed under a regulation.</p> <p>86(7) After assessing the work, the power to ask the person making the request for compliance assessment to supply a plan of the assessed work.</p> <p>86(9) In deciding a request for compliance assessment of regulated work, the power to—</p> <ul style="list-style-type: none"> (a) give the person making the request a compliance certificate; or (b) refuse to give a compliance certificate. <p>86(10) If a compliance certificate is given, the power to also give a copy of the certificate to:</p> <ul style="list-style-type: none"> (a) the owner of the premises to which the certificate relates; and (b) if the work involves the installation of water meters on the premises (the water service provider for the premises) if the water service provider is not the local government; and (c) if the certificate relates to the installation or connection of greywater use facility, or part of a greywater use facility , that is or includes a large greywater treatment plant – the regulator. <p>86(12) If a compliance certificate is refused, the power to give the person who made the request an information notice about the decision.</p> <p>86A(3)(b) In the specified circumstances, after the work has been completed, the power to ask the person who made the request to provide a plan of the completed work.</p> <p>86A(5) In the specified circumstances and in deciding a request for compliance assessment of certain regulated work or on-site sewerage work, the power to—</p> <ul style="list-style-type: none"> (a) give the person making the request a compliance certificate; or (b) refuse to give a compliance certificate. <p>86A(6) In the specified circumstances and if a compliance certificate is given, the power to also give a copy of the compliance certificate to the owner of the premises to which the compliance certificate relates.</p> <p>86A(8) In the specified circumstances and if a compliance certificate is refused, the power to give the person who made the request an information notice about the decision.</p> <p>86D(3) In the specified circumstances the power to replace the certificate with a new certificate that has different conditions for the ongoing operation, maintenance or testing of the relevant greywater use facility or on-site sewerage facility.</p>		
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UNCONFIRMED

Burke Shire Council – Minutes of Ordinary Council Meeting 15th April 2009
Appendix 1: Schedule 1 – Delegations to the Chief Executive Officer

	<p>86E(3) In the specified circumstances the power to, by written notice, require the former holder of the certificate to remove all or a stated part of the relevant greywater use facility or on-site sewerage facility.</p> <p>86G(1) The power to by complying with subsections (2) and (3), amend a condition of a compliance certificate for work for testing purposes if it considers the amendment is necessary or desirable because of a change in a relevant chief executive approval.</p> <p>87(6) In the specified circumstances, the power to assess notifiable minor work.</p> <p>107(1) For the Plumbing and Drainage Act 2002, the power to appoint an individual to be an inspector if satisfied the individual is qualified for appointment because the individual has the qualifications and experience prescribed under a regulation.</p> <p>115(1) Before an enforcement notice is given under section 116(1)(a)(ii) to (iv) or (2) or (c) or (2) of the Plumbing and Drainage Act 2002, the power to give a person written notice (a show cause notice) inviting the person to show cause why an enforcement notice should not be given to the person.</p> <p>116(1)(a) Power to give written notice to the owner of premises requiring the owner to do a stated thing if the local government reasonably believes plumbing or drainage or an on-site sewerage facility on the premises—</p> <ul style="list-style-type: none"> (i) is in a condition, or functions in a way, that constitutes a danger or health risk to occupiers of the premises or the public; or (ii) is defective and should be altered, repaired or replaced; or (iii) is not adequate to deal with the sewerage or greywater generated on the premises or is in a condition that unreasonably interferes, or is likely to unreasonably interfere, with the use of enjoyment of any other premises; or (iv) was installed without, or not in accordance with the local government’s approval. <p>116(1)(b) Power to give written notice to the owner of premises requiring the owner to do a stated thing if the local government reasonably believes that the premises is not in a seweraged area and the absence of an on-site sewerage facility on the premises constitutes a danger or health risk to occupiers of the premises or the public.</p> <p>116(1)(c) Power to give written notice to the owner of premises requiring the owner to do a stated thing if the local government believes that the owner has contravened, or is contravening, section 128K, 128L or 128M.</p> <p>116(2) Power to give written notice to a person who has performed plumbing or drainage work requiring the person to do a stated thing if it is reasonably believed that the work does not comply with the Plumbing and Drainage Act 2002.</p> <p>117(1) In the specified circumstances, the power to form the reasonable belief pollution of the water supply in premises or the water service provider’s water service to premises has been, or could be, caused by the plumbing on the premises.</p>		
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Init _____

Burke Shire Council – Minutes of Ordinary Council Meeting 15th April 2009
Appendix 1: Schedule 1 – Delegations to the Chief Executive Officer

	<p>117(2) In the specified circumstances, the power to give written notice to an owner or occupier of premises to do any of the following—</p> <p>(a) install a backflow prevention device;</p> <p>(b) register a backflow prevention device that is required to be registered under the Standard Plumbing and Drainage Regulation;</p> <p>(c) have a backflow prevention device inspected, tested and if necessary repaired or replaced by a licensee licenced to do the work.</p> <p>143(D)(1) Power to authorise the dismantling or taking away of all or part of a large greywater treatment plant in a sewerred area.</p> <ul style="list-style-type: none"> • Power to give the regulator written notice advising of the authorisation. <p>143(D)(2) Power to give the regulator a copy of the written report on the condition of the plant received by a person who services a large greywater treatment plant in a sewerred area.</p>		
<p>DEL-BSC-036 Chief Executive Officer</p>	<p>The powers provided to Council under the following sections of the Public Health Act 2005:</p> <p>17(2) Power to give the chief executive information about the local government administration and enforcement of the matter within a stated reasonable time.</p> <p>24(1) Power to consider whether a person has contravened a public health order.</p> <p>24(2) Power to apply to a magistrate for an order enforcing the public health order (Enforcement Order).</p> <p>36(5) In the specified circumstances power to consult with the chief executive on behalf of the local government.</p> <p>388(2) In the specified circumstances power to at reasonable times, enter the place to take the steps stated in the order.</p> <p>393(2) In the specified circumstances power to give the occupier and owner of the place reasonable notice that the issuing authority, by its employees or agents, intend to enter the place to take the steps required under the public health order.</p>	<p>15/04/2009 [Res - 05. 090415] None</p>	<p>Council to be advised of the exercise of this delegation at the next ordinary meeting after which this delegation has been exercised.</p>

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Init _____

Burke Shire Council – Minutes of Ordinary Council Meeting 15th April 2009
Appendix 1: Schedule 1 – Delegations to the Chief Executive Officer

<p>DEL-BSC-037 Chief Executive Officer</p>	<p>The powers provided to Council under the following sections of the Public Records Act 2002:</p> <p>7(1)(a) Power to make and keep full and accurate records of the public authority's activities.</p> <p>7(1)(b) Power to have regard to any relevant policy standards and guidelines made by the archivist about the making and keeping of public records</p> <p>8(2) Power to make an arrangement with another person for the person to have custody of a record of the public authority providing this agreement includes arrangements for the safe keeping, proper preservation and return of the records</p> <p>8(3) Power to:</p> <ul style="list-style-type: none"> (a) give the records of the public authority to the other public authority; (b) give the records of the public authority to the relevant public authority under a regulation; or (c) give the records of the public authority to the archives or disposed of in accordance with the decision of the archivist. <p>10(1) If a public record is more than 25 years old the power to:</p> <ul style="list-style-type: none"> (a) give written notice of the record's existence to the archivist; and (b) in the specified circumstances, give the records to the archives. <p>11(2) If a public authority no longer needs a public record to be readily available in its own custody, the power to give the record to the archives if authorised by the archivist.</p> <p>17(1) Power to apply to the archivist for access to a public record in the custody of the archives</p> <p>19(2) Power to give written notice to the archivist to change the restricted access notice</p> <p>19(3) Power to change the restricted access notice by written notice given to the archivist</p> <p>19(4) Power to refer the dispute to the committee for resolution</p> <p>19(5) Power to comply with committee's decision on the dispute</p> <p>39(1) Power to make a written application to the committee for a review of a decision made by the archivist refusing to authorise the disposal of a particular public records or classes of public records</p> <p>47(1) Power to:</p> <ul style="list-style-type: none"> (a) Produce the authority's records or a particular type of sample of records for the officer's inspection; and (b) Give the officer access to the authority's records or a particular type of sample of records in the reasonable way requested by the officer; and (c) Allow the officer to examine the authority's systems for making, keeping and preserving records 		
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Burke Shire Council Local Law No. 2 (Impounding of Animals) 2009

Contents

Part 1	Preliminary.....	2
	1 Short title	2
	2 Objects	2
	3 Definitions—the dictionary.....	2
Part 2	Establishment and administration of animal pounds	2
	4 Establishment of animal pounds.....	2
	5 Opening times for animal pound.....	2
	6 Register of impounded animals	2
Part 3	Impounding of animals	3
	Division 1 Seizure and impounding of animals.....	3
	7 Seizure and impounding of animals.....	3
	Division 2 Dealing with impounded animals.....	3
	8 Notice of impounding.....	3
	9 Sale of impounded animals	3
Part 4	Authorised persons	4
	10 Appointment	4
	11 Limitation on authorised person's powers.....	5
	12 Authorised person's appointment conditions	5
	13 Authorised person's identity card.....	5
	14 Production of identity card.....	6
	15 Offence.....	6
	16 Protection from liability	6
Part 5	Miscellaneous.....	6
	17 Defence of reasonable excuse.....	6
	18 Subordinate local laws.....	6
Schedule	Dictionary.....	8

PART 1 PRELIMINARY

Short title

This model local law may be cited as Burke Shire Council *Local Law No. 2 (Impounding of Animals) 2009*.

Objects

The objects of this local law are—

- (a) to provide for the establishment and administration of animal pounds; and
- (b) to confer powers on authorised officers to impound stray animals or other animals that should be impounded in the public interest.

Definitions—the dictionary

The dictionary in the schedule defines particular words used in this local law.

PART 2 ESTABLISHMENT AND ADMINISTRATION OF ANIMAL POUNDS

Establishment of animal pounds

The local government may, subject to the *Integrated Planning Act 1997*—

- (a) establish an animal pound; or
- (b) join with another local government in establishing an animal pound.

Opening times for animal pound

The local government may, by subordinate local law—

- (a) fix the times when the animal pound will be open for the reception and release of animals; and
- (b) fix the times for the sale of animals from the pound.

Register of impounded animals

- (1) The local government must ensure that a proper record of impounded animals (the *Register of Impounded Animals*) is kept.
- (2) The Register must contain the following information about each impounded animal—
 - (a) the species, breed and sex of the animal; and
 - (b) the brand, colour, distinguishing markings and features of the animal; and
 - (c) if applicable—the registration number of the animal; and
 - (d) if known—the name and address of the keeper; and
 - (e) the date and time of seizure and impounding; and
 - (f) the name of the authorised person who impounded the animal; and
 - (g) the reason for the impounding; and

- (h) a note of any order made by an authorised person relating to the animal; and
 - (i) the date of the sale, release or destruction of the animal.
- (3) The Register must be kept available for public inspection at the pound or, if the pound has no public office, at an office prescribed by subordinate local law.

PART 3 IMPOUNDING OF ANIMALS
Division 1 Seizure and impounding of animals

Seizure and impounding of animals

- (1) An authorised person may seize and impound an animal found wandering at large in a public place.
- (2) An authorised person may, at the request of the occupier of land, seize and impound an animal found wandering at large on the occupier's land.
- (3) An occupier of land may seize an animal found wandering at large on the occupier's land and deliver the animal to an authorised person to be impounded.
- (4) However, an authorised person is not obliged to accept the custody of an animal under this section.

Division 2 Dealing with impounded animals

Notice of impounding

- (1) If an animal is impounded under this or any other local law, and the authorised person who impounds the animal knows, or can readily find out, the name and address of the keeper of the animal, the authorised person must give the keeper written notice of the impounding stating that the animal may be reclaimed, within a period stated in the notice, by payment of the prescribed impounding fees.
- (2) If the keeper reclaims the animal and pays the relevant fees within the time fixed in the notice, the animal must be returned to the keeper.
- (3) However, if a licence or registration is required for the keeping of the animal, and the keeper does not have the necessary licence or registration, the animal must not be returned until the keeper obtains the necessary licence or registration.

Sale of impounded animals

- (1) If an animal has not been reclaimed within a period fixed under a subordinate local law, the local government may—
 - (a) offer the animal for sale by public auction; or
 - (b) if the animal is of a class specified by subordinate local law for this paragraph—
 - (i) sell the animal by private agreement; or
 - (ii) dispose of the animal in some other way without destroying it; or
 - (iii) destroy the animal or have it destroyed.¹

¹ This section should be read in conjunction with section 491 of the Act which limits the way property with an apparent value of \$1,000 or more can be disposed of. It follows that an animal with an apparent value of \$1,000 or more could not be disposed of under this section except by public auction.

Example for paragraph (b)

The subordinate local law might specify dogs, cats and other small domestic animals. These could then be sold by private agreement, given away or destroyed if not reclaimed within the relevant period.

- (2) If an animal is to be offered for sale at a public auction under this section, notice of the auction, stating the time and place of the auction, must be exhibited at the local government's public office for at least 2 days before the date of the auction.
- (3) An amount realised on sale of an impounded animal must be applied—
 - (a) first, towards the costs of the sale; and
 - (b) secondly, towards the impounding fees; and
 - (c) thirdly, in payment of the remainder to the former owner of the animal.
- (4) If no-one establishes a valid claim to the amount to which the former owner is entitled under subsection (3)(c) within 1 year of the date of the sale, the amount becomes the absolute property of the local government.
- (5) If the animal is offered for sale by public auction but not sold, the local government may dispose of the animal as it considers appropriate.

Examples—

The local government may give the animal away.

The local government may have the animal destroyed.

PART 4 AUTHORISED PERSONS

Appointment

- (1) A local government may appoint any of the following persons as authorised persons for this local law—
 - (a) employees of the local government;
 - (b) other persons who are eligible for appointment as authorised persons under Chapter 15, part 5 of the Act².
- (2) An appointment of a person as an authorised person under this part must state the provisions for which the person is appointed as an authorised person.
- (3) A local government may appoint a person as an authorised person under this part only if—
 - (a) the local government considers the person has the necessary expertise or experience for the appointment; or
 - (b) the person has satisfactorily finished training approved by the local government for the appointment.

Limitation on authorised person's powers

An authorised person's powers may be limited in the person's instrument of appointment.

² Chapter 15, part 5 (Enforcement of Local Government Acts).

Authorised person's appointment conditions

- (1) An authorised person holds office on the conditions stated in the instrument of appointment.
- (2) An authorised person—
 - (a) if the instrument provides for a term of appointment—ceases holding office at the end of the term; and
 - (b) may resign by signed notice of resignation given to the local government; and
 - (c) if the conditions of appointment provide—ceases holding office as an authorised person on ceasing to hold another office stated in the appointment conditions (the *main office*).
- (3) However, an authorised person may not resign from the office of authorised person (the *secondary office*) under subsection (2)(b) if a term of the authorised person's employment to the main office requires the authorised person to hold the secondary office.

Authorised person's identity card

- (1) A local government must give each authorised person an identity card.
- (2) The identity card must—
 - (a) contain a recent photograph of the authorised person; and
 - (b) be signed by the authorised person; and
 - (c) identify the person as an authorised person for the local government; and
 - (d) include an expiry date.
- (3) A person who ceases to be an authorised person must return the person's identity card to the local government within 21 days after the person ceases to be an authorised person.

Maximum penalty—10 penalty units.

- (4) This section does not prevent the giving of a single identity card to a person for this part and for other purposes.

Production of identity card

- (1) An authorised person may exercise a power in relation to someone else (the *other person*) only if the authorised person—
 - (a) first produces his or her identity card for the other person's inspection; or
 - (b) has the identity card displayed so it is clearly visible to the other person.
- (2) However, if for any reason it is not practicable to comply with subsection (1), the authorised person must produce the identity card for the other person's inspection at the first reasonable opportunity.

Offence

A person must not pretend to be an authorised person.

Maximum penalty—50 penalty units.

Protection from liability

- (1) This section applies to—
 - (a) an authorised person; and
 - (b) a person acting under the direction of an authorised person.
- (2) The person does not incur civil liability for an act done or omission made honestly and without negligence under this local law.
- (3) A liability that would, apart from this section, attach to the person attaches instead to the local government.

PART 5 MISCELLANEOUS

Defence of reasonable excuse

If a person is charged with an offence involving a contravention of a provision of this local law, it is a defence to prove that the person had a reasonable and lawful excuse for the contravention.

Subordinate local laws

The local government may make subordinate local laws about—

- (a) the times the animal pound will be open for the reception and release of animals and the times for the sale of animals from the pound;³ or
- (b) the office where the register of impounded animals will be kept;⁴ or
- (c) the period within which an animal may be reclaimed and returned to its keeper before the local government may sell or otherwise dispose of the animal;⁵ or
- (d) the classes of animal which may be sold by private arrangement, disposed of or destroyed without being offered for sale by public auction;⁶ or
- (e) the exclusion of animals of a particular species from the application of this local law;⁷ or
- (f) other matters about which this local law specifically provides for the making of subordinate local laws.

³ See section 5.

⁴ See section 6(3).

⁵ See section 9(1).

⁶ See section 9(1)(b).

⁷ See definition of *animal* in the dictionary.