



PERFORMANCE & SERVICE COMMITTEE MEETING

AGENDA

23 SEPTEMBER 2014

Your attendance is required at a meeting of the Performance & Service Committee to be held in the Council Chambers, 232 Bolsover Street, Rockhampton on 23 September 2014 commencing at 9.00am for transaction of the enclosed business.

A handwritten signature in black ink, appearing to be "C. R.", written in a cursive style.

CHIEF EXECUTIVE OFFICER
17 September 2014

Next Meeting Date: 21.10.14

Please note:

In accordance with the *Local Government Regulation 2012*, please be advised that all discussion held during the meeting is recorded for the purpose of verifying the minutes. This will include any discussion involving a Councillor, staff member or a member of the public.

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1 OPENING

2 PRESENT

Members Present:

Acting Mayor, Councillor A P Williams (Chairperson)
Councillor C E Smith
Councillor C R Rutherford
Councillor G A Belz
Councillor S J Schwarten
Councillor R A Swadling
Councillor N K Fisher

In Attendance:

Mr E Pardon – Chief Executive Officer

3 APOLOGIES AND LEAVE OF ABSENCE

Leave of Absence for the meeting was previously granted to Mayor Margaret Strelow

4 CONFIRMATION OF MINUTES

Minutes of the Performance & Service Committee held 26 August 2014

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

6 BUSINESS OUTSTANDING

Nil

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 OFFICERS' REPORTS

8.1 REPRESENTATION ON CAPRICORN PEST MANAGEMENT GROUP

File No: 1379
Attachments: Nil
Authorising Officer: Michael Rowe - General Manager Community Services
Author: Catherine Hayes - Manager Health & Environment /
Acting Manager Local Laws

SUMMARY

The General Manager Community Services requesting confirmation of the two representatives on the Capricorn Pest Management Group and endorsement of their nomination to the Management Committee.

OFFICER'S RECOMMENDATION

THAT _____ and _____ be confirmed as Council's representatives on the Capricorn Pest Management Group and Council endorses their nomination for membership of the Management Committee.

BACKGROUND

Capricorn Pest Management Group was formed in 1999 to establish a coordinated approach to weed and pest animal management in the Capricorn Region of Central Queensland. The major stakeholders of the group are the Local Government authorities.

Rockhampton Regional Council is a member of the Capricorn Pest Management Group and is entitled to have two representatives with voting rights.

The current Council representatives are Councillor Smith and Councillor Fisher.

Nominations are now sought for the two positions on Capricorn Pest Management Group Management Committee. The members will be required to attend four Management Committee meetings per year in addition to four General Meetings per year.

Council presence on the Management Committee is considered to be advantageous to the promotion and protection of Council's interests in the furtherance of the CPMG's objectives and endorsement of the member nominations to the Management Committee is recommended.

8.2 LOCAL GOVERNMENT ASSOCIATION OF QUEENSLAND INC ANNUAL CONFERENCE - 27 TO 29 OCTOBER 2014

File No: 8291
Attachments: Nil
Authorising Officer: Evan Pardon - Chief Executive Officer
Author: Shane Turner - Manager Governance Support

SUMMARY

At the Performance and Service Committee Meeting on 26 August 2014 it was resolved for Mayor Margaret Strelow and Councillor Neil Fisher to attend the Local Government Association of Queensland Annual Conference.

OFFICER'S RECOMMENDATION

1. THAT Councillor Tony Williams be authorised to attend the Local Government Association of Queensland's Annual Conference to be held at Mackay Convention Centre from 27 to 29 October 2014 as a matter of Council business in place of Councillor Neil Fisher;
2. That Councillor Tony Williams be appointed as a delegate with voting rights for Rockhampton Regional Council;
3. That Councillor _____ be appointed Acting Mayor for the period 27 to 29 October 2014

8.3 COUNCIL DELEGATIONS TO CHIEF EXECUTIVE OFFICER**File No:** 4107

- Attachments:**
1. Instrument of Delegation - Acquisition of Land Act 1967
 2. Instrument of Delegation - Food Act 2006
 3. Instrument of Delegation - Fire and Emergency Services Act 1990
 4. Instrument of Delegation - Environmental Protection Act 1994
 5. Instrument of Delegation - Information Privacy Act 2009
 6. Instrument of Delegation - Public Health Regulation 2005
 7. Instrument of Delegation - Animal Care and Protection Act 2001
 8. Instrument of Delegation - Sustainable Planning Act 2009
 9. Instrument of Delegation - Right to Information Act 2009
 10. Instrument of Delegation - Public Health Act 2005

Authorising Officer: Tracy Sweeney - Manager Workforce and Strategy
Ross Cheesman - General Manager Corporate Services**Author:** Kerrie Barrett - Coordinator Corporate Improvement & Strategy

SUMMARY

This report seeks Council's approval of delegations under State legislation to the position of Chief Executive Officer.

OFFICER'S RECOMMENDATION

THAT as per section 257 of the *Local Government Act 2009* Council resolves to delegate to the Chief Executive Officer, the exercise of powers contained in schedule 1 of the Instruments of Delegation attached to this report:

1. *Acquisition of Land Act 1967*
2. *Food Act 2006*
3. *Fire and Emergency Services Act 1990*
4. *Environmental Protection Act 1994*
5. *Information Privacy Act 2009*
6. *Public Health Regulation 2005*
7. *Animal Care and Protection Act 2001*
8. *Sustainable Planning Act 2009*
9. *Right to Information Act 2009*
10. *Public Health Act 2005*

Further, that all prior resolutions delegating the powers under these Acts listed to the Chief Executive Officer are repealed. These powers must be exercised subject to any limitations contained in schedule 2 of the attached Instruments of Delegation.

COMMENTARY

MacDonnells Law has identified new and/or amended delegable powers under the Acts listed within the Officer's Recommendation. Subsequently, each Instrument of Delegation containing new legislative updates/amendments for each Act has been prepared for Council's consideration and is attached to this report.

Once Council has resolved to delegate to the Chief Executive Officer (CEO), the exercise of powers contained in schedule 1 of the Instruments of Delegation attached to this report, subject to any limitations contained in schedule 2, the sub-delegates will be given specific delegations according to their respective areas of responsibility subject to the same general conditions and, where appropriate, specific limitations. Without such powers and delegations, officers would be unable to complete work activities related to their position under required Acts without reference to Council.

BACKGROUND

Without powers being delegated to the CEO and subsequently sub-delegated to relevant positions, Council operations would be impeded significantly as separate resolutions would be required to allow decisions to be made for a vast number of operational activities that are undertaken on a daily basis.

In relation to amendments to the legislative Acts listed, Council's legal advisor, MacDonnells Law, provides a regular service of updates/amendments for relevant state legislation to Council. The information provided herein is as recommended by MacDonnells Law.

PREVIOUS DECISIONS

The previous Instruments of Delegation for the Acts listed within this report were last considered and approved by Council at the following meetings:

Legislation	Meeting Date
<i>Acquisition of Land Act 1967</i>	13 August 2013
<i>Food Act 2006</i>	10 August 2010
<i>Fire and Emergency Services Act 1990 (formerly Fire and Rescue Services Act 1990)</i>	10 December 2013
<i>Environmental Protection Act 1994</i>	13 August 2013
<i>Information Privacy Act 2009</i>	10 December 2013
<i>Public Health Regulation 2005</i>	N/A - New Delegable Power
<i>Animal Care and Protection Act 2001</i>	10 August 2010
<i>Sustainable Planning Act 2009</i>	10 December 2013
<i>Right to Information Act 2009</i>	10 August 2010
<i>Public Health Act 2005</i>	29 July 2014

LEGISLATIVE CONTEXT

Section 257 of the *Local Government Act 2009* allows Council to delegate its powers to one or more individuals or standing committees, including to the CEO. Pursuant to section 257(4) of the *Local Government Act 2009* a delegation to the CEO must be reviewed annually by Council.

To further streamline the decision making process, section 259 of the *Local Government Act 2009* allows the CEO to sub-delegate the powers (including those delegated to him by Council) to another Council employee where appropriate.

LEGAL IMPLICATIONS

Important legal principles which apply to the delegation proposal set out in this report are:-

- Council at all times retains power to revoke the delegation. Accordingly, Council retains ultimate control.
- Council, as delegator, has responsibility to ensure that the relevant power is properly exercised. Council will therefore continue to supervise and oversee the exercise of its powers.
- A delegation of power by Council may be subject to any lawful conditions which Council wishes to impose. The imposition of conditions enables Council to impose checks and balances on its delegations. However, the delegated power cannot be unduly fettered.
- The delegate must exercise a delegated power fairly and impartially, without being influenced by or being subject to the discretion of other individuals.

CONCLUSION

This report includes the Instruments of Delegation for the relevant legislative Acts incorporating some sections that are yet to be delegated from the Council to the CEO.

Once Council has resolved to delegate to the CEO, the exercise of powers contained in schedule 1 of the Instruments of Delegation attached to this report subject to any limitations contained in schedule 2 of the Instruments of Delegation, the Sub-delegates will be given specific delegations according to their respective areas of responsibility subject to the same general conditions and, where appropriate, specific limitations.

It is recommended that Council resolve in accordance with section 257 of the *Local Government Act 2009* to delegate exercise of powers contained in schedule 1 of the attached Instruments of Delegation subject to limitations contained in schedule 2.

COUNCIL DELEGATIONS TO CHIEF EXECUTIVE OFFICER

Instrument of Delegation - Acquisition of Land Act 1967

Meeting Date: 23 September 2014

Attachment No: 1



INSTRUMENT OF DELEGATION

Acquisition of Land Act 1967

Under Section 257 of the *Local Government Act 2009*, **ROCKHAMPTON REGIONAL COUNCIL**, resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations and conditions contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Schedule 1

Acquisition of Land Act 1967 ("ALA")**Part 1 – Preliminary**

Entity Power given to	Section of ALA	Description
Entity	4B(2)	Power to give the relevant Chief Executive for the resource interest a written notice.

Part 2 – Taking of Land**Division 2 – Taking other than by agreement**

Entity Power given to	Section of ALA	Description
Constructing Authority	7(1)	Power to: (a) propose to take any land; (b) serve (as prescribed by section 7 of the <i>Acquisition of Land Act 1967</i>) a notice (a notice of intention to resume).
Constructing Authority	8(2)	Power to consider the grounds of objection to the taking of any land and the other specified matters.
Constructing Authority	8(2)(b)	Power to hear the objector.
Constructing Authority	8(2A)	In the specified circumstances, the power to discontinue a resumption or amend a notice of intention to resume if of the opinion that the resumption should be discontinued or that the notice of intention to resume should be amended.
Constructing Authority	9(2)	In the specified circumstances, the power to apply to the Minister that land be taken as prescribed by section 9 of the <i>Acquisition of Land 1967</i> if of the opinion that the land in question is required for the purpose for which it is proposed to be taken.
Constructing Authority	12(5A)	In the specified circumstances, the power to agree with a claimant on the amount of compensation.
Constructing Authority	12(7)	In the specified circumstances, the power to serve a copy of the gazette resumption notice upon every person who to your knowledge is entitled, pursuant to section 18 of the <i>Acquisition of Land 1967</i> , to claim compensation or is a mortgagee of the land.
Constructing Authority	13(1)(b)	In the specified circumstances, the power to agree in writing with an owner of land that the taking of part of the land will leave, or has left, a parcel of land that is of no practical use or value to the owner of such land and accordingly that parcel of land will be taken.

Schedule 1

Division 3 – Taking by agreement**Subdivision 1 – Resumption agreements**

Entity Power given to	Section of ALA	Description
Constructing Authority	15	Power to enter into a resumption agreement .

Subdivision 2 – Process for taking

Entity Power given to	Section of ALA	Description
Constructing Authority	15C(1)	Power to apply to the relevant Minister for the land to be taken under this section.
Constructing Authority	15D(1)	Power to, by gazette notice, declare that the land is taken for the purpose stated in the notice, without making any application under section 15C.
Constructing Authority	15D(3)	Power to be satisfied the land: (a) may be taken; and (b) should be taken for the purpose for which it is proposed to be taken.

Part 3 – Discontinuance of Taking of Land

Entity Power given to	Section of ALA	Description
Constructing Authority	16(1)	Power to at any time before the publication of a gazette resumption notice, serve upon every person who has been served with a notice of intention to resume a further notice stating that the resumption of the land concerned is being discontinued.
Constructing Authority	16(1B)	Power to agree with a claimant upon the amount of compensation to be paid under section 16(1A) of the <i>Acquisition of Land Act 1967</i> .
Gazetting Authority	17(1)	In certain circumstances, power to, by gazette notice (the revoking gazette notice), revoke the gazette resumption notice, in whole or in part.
Constructing Authority	17(5)	Power to agree with a claimant: (a) upon the amount of compensation to be paid under section 17(4) of the <i>Acquisition of Land Act 1967</i> ; or (b) that the amount of compensation should be determined by the Land Court.

Schedule 1

Part 4 - Compensation

Entity Power given to	Section of ALA	Description
Constructing Authority	19(4)	Power to: (a) satisfy yourself that it is reasonable in all the circumstances to accept, and deal, with a claim for compensation served by the claimant more than 3 years after the day the land was taken; and (b) accept, and deal, with the claim.
Constructing Authority	21(1)	Power to agree with a claimant that the claimant will be granted, in satisfaction wholly or partly of the claimant's claim for compensation, any easement, right of way, lease or other right of occupation, or any other right, privilege or concession in, upon, over or under the land taken or any other land the property of Council.
Constructing Authority	21(1A)	Power to agree with the claimant that the claimant will be transferred land held in fee simple by Council in satisfaction wholly or partly of the Claimants claim for compensation.
Constructing Authority	21(2)	Power to agree with a claimant that the extent to which a grant (referred to in section 21(1) of the <i>Acquisition of Land 1967</i>) shall satisfy the claim for compensation should be determined by the Land Court.
Constructing Authority	29(1)	In the specified circumstances, the power to agree with a claimant upon the amount of compensation to be paid.

Part 5 - General

Entity Power given to	Section of ALA	Description
Constructing Authority	37(2)	In the specified circumstances, the power to give an occupier or an owner at least 7 days notice in writing.
Constructing Authority	37(5)	In the specified circumstances, the power to agree with a claimant: (a) upon the amount of compensation to be paid under section 37 of the <i>Acquisition of Land Act 1967</i> ; or (b) that the amount of compensation is to be determined by the Land Court.
Constructing Authority	38(1)	In the specified circumstances, the power to issue a warrant to the sheriff to deliver possession of any land to the person appointed in the warrant.

Schedule 2

Limitations and Conditions to the Exercise of Power

1. The Chief Executive Officer may sub-delegate the powers contained in Schedule 1.
2. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, the delegate in exercising delegated power in relation to that matter, will only commit the Council to reasonably foreseeable expenditure up to the amount allocated.
3. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge adversely affects, or is likely to adversely affect, the Council's relations with the public at large.
4. The delegate will not exercise any delegated power in relation to a matter which has already been the subject of a resolution or other decision of the Council (including a policy decision relating to the matter).
5. The delegate will not exercise any delegated power in a manner, or which has the foreseeable affect, of being contrary to an adopted Council policy or procedure.
6. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
7. The delegate will not exercise any power which cannot lawfully be the subject of delegation by Council.

COUNCIL DELEGATIONS TO CHIEF EXECUTIVE OFFICER

Instrument of Delegation - Food Act 2006

Meeting Date: 23 September 2014

Attachment No: 2



INSTRUMENT OF DELEGATION

Food Act 2006

Under 257 of the *Local Government Act 2009*, **ROCKHAMPTON REGIONAL COUNCIL**, resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations and conditions contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Schedule 1

*Food Act 2006 ("FA")***CHAPTER 3 - LICENCES FOR PARTICULAR BUSINESSES****Part 3 - Applications for, and Issue of, Licences****Division 1 - Applications for Licence**

Section of FA	Description
55	Power to consider the application and decide to grant, or refuse to grant, the application.
56(1)	Power to be satisfied that the specified criteria are fulfilled.
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.
57	Power to have regard to the specified matters.
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.
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.
59(1)(a)	Power to make inquiries to decide the suitability of - (i) the applicant to hold a licence; and (ii) the premises for carrying on a licensable food business.
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.

Division 2 - Decisions on Applications for Licence

Section of FA	Description
60(2)	The power to give an applicant an information notice for the decision.
62(1)	Power to consider more time is needed to make a decision about an application because of the complexity of matters that need to be considered in deciding the application.
62(2)	In the specified circumstances, the power to give notice to the applicant.

Schedule 1

Section of FA	Description
62(3)	In the specified circumstances, the power to agree with the applicant on the day by which the application must be decided.

Division 3- Provisional Licences

Section of FA	Description
64	In the specified circumstances, the power to issue a provisional licence to the applicant.
67	Power to decide a term of a licence other than a provisional licence of not more than 3 years.

Part 4 - Term and Condition of Licences

Section of FA	Description
68(1)	Power to decide a term of provisional licence of not more than 3 months.
68(2)	Power to issue a notice to extend the term of licence.
69(1)(e)	In the specified circumstances, the power to impose other reasonable conditions considered appropriate for the food business.
69(2)(b)	Power to consider it necessary to impose a condition.
69(3)	Power to give an information notice for the decision.

Part 5 - Renewal, Restoration or Amendment of Licences**Division 2 - Renewal, Restoration and Amendment****Subdivision 1 - Applications**

Section of FA	Description
71	Power to give the licensee notice of the imminent expiry of a licence.
72(3)	Power to consider the application and decide to renew, or refuse to renew, the licence.
72(4)	Power to have regard to the specified matters.
72(5)	Power to give an information notice to the licensee if the local government decides to refuse to renew the licence or impose conditions on the licence.
73(3)	Power to consider the application and decide to restore, or refuse to restore, the licence.

Schedule 1

Section of FA	Description
73(4)	Power to have regard to the specified matters.
73(5)	Power to give a person an information notice for the decision if the local government decides to refuse to restore the licence, or impose conditions on the licence.
74(3)	Power to consider the application and decide to amend, or refuse to amend, the licence.
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.
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.
74(6)	Power to give a licensee a licence and an information notice for a decision if the local government decides to refuse to amend the licence.
74(7)	Power to give the licensee an information notice for the decision if the local government decides to impose conditions on the licence.

Subdivision 2 - Enquiries about Applications and Continuation of Licences

Section of FA	Description
75(1)	In the specified circumstances power to require the applicant to give the local government further information or a document.

Part 6 - Suspension or Cancellation of Licences

Section of FA	Description
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.
79(1)(a)	Power to form a belief that a ground exists to suspend or cancel a licence.
79(2)	In the specified circumstances, the power to give the licensee a show cause notice.
80(2)	In the specified circumstances, the power to consider all representations.
81	In the specified circumstances, the power to form a belief that a ground no longer exists to suspend or cancel a licence.
82(1)(b)	Power to form a belief that a ground exists to suspend or cancel a licence.
82(2)(a)	In the specified circumstances, the power to suspend the licence for not longer than the proposed suspension period.

Schedule 1

Section of FA	Description
82(2)(b)	In the specified circumstances, the power to cancel the licence or suspend it for a period.
82(3)	Power to give an information notice to the licensee for the decision if the local government decides to take action under s82(2).
83	In the specified circumstances, the power to suspend a licence immediately.
83(2)	Power to give an information notice to the licensee together with a show cause notice about the decision to suspend a licence.
83(4)	Power to give the licensee a licence.

Part 7 - Other Provisions about Licences and Licensees**Division 3 - Carrying on Licensable Food Business from Mobile Premises**

Section of FA	Description
91(1)(b)	Power to consider that a licensee has done or omitted to do something, if done or omitted to be done in the first local government's area, would be a contravention of the conditions of the licence.
91(2)	In the specified circumstances, the power to advise the first local government of the thing done or omitted to be done.
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.

Division 4 - General Provisions

Section of FA	Description
97(1)	Power to consider the application and decide to grant, or refuse to grant, the application.
97(2)	Power to be satisfy the licence has been destroyed, lost or stolen, or damaged in a way to require its replacement.
97(3)	Power to issue another licence to the applicant to replace the damage, destroyed, lost or stolen licence.
97(5)	Power to give an information notice to the applicant for the decision if the local government decides to refuse to grant the application.

Schedule 1

CHAPTER 4 - FOOD SAFETY PROGRAMS**Part 2 - Applications for Accreditation of Food Safety Programs**

Section of FA	Description
103(1)	Power to consider the application and decide to accredit, or refuse to accredit, the food safety program.
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.
104	Power to be satisfied that the food safety program meets the specified criteria.
105(1)	In the specified circumstances, the power to give notice to the applicant requiring the applicant to give further information or a document to a local government.
106(2)	Power to give an applicant an information notice for a decision if the local government decides to refuse to accredit a food safety program.
107(4)	Power to give an information notice to the applicant if the application is refused under section 107.
108(1)	In the specified circumstances, the power to consider more time is needed to make a decision.
108(2)	In the specified circumstances, the power to give notice to the applicant of the specified matters.
108(3)	In the specified circumstances, the power to agree with the applicant on a day by which the application must be decided.

Part 3 - Matters about Compliance Audits for Accredited Food Safety Programs

Section of FA	Description
109(2)	The power to give the holder of a food safety program an information notice for the decision.
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.
109(3)	In the specified circumstances, the power to have regard to the stated matters.
110(1)	In the specified circumstances, the power to change the frequency of compliance audits for a food safety program.

Schedule 1

Section of FA	Description
110(2)	In the specified circumstances, the power to have regard to the results of a compliance or non-conformance audit of the program.
110(3)	The power to give an information notice for the decision to the holder of a food safety program if the local government decides to change the frequency of compliance audits for the food safety program.
110(4)	Power to give the holder of a food safety program a notice of change if the local government decides to change the frequency of compliance audits for the food safety program.

Part 4 - Amendment of Accredited Food Safety Programs**Division 1 - Amendment by Holder of Accredited Food Safety Program**

Section of FA	Description
112(4)	Power to consider the application and decide to approve, or refuse to approve, the amendment.
112(5)	Power to be satisfied that the stated criteria are fulfilled.
112(6)	Power to give an information notice to an applicant for a decision if the local government decides to refuse to approve an amendment.
113(1)	In the specified circumstances power to require the applicant to give the local government further information or a document.

Division 2 - Amendment of Accredited Food Safety Program - Local Government's Initiative

Section of FA	Description
114(1)	In the specified circumstances, the power to direct the holder of a food safety program to amend the program.
114(2)	Power to give a notice to the holder of a food safety program for a direction under section 114(1).
114(3)(c)	Power to give an information notice with a notice of direction made under section 114(2).
115(2)	Power to be satisfied that the amendment complies with the direction under section 114.

Schedule 1

Part 5 - Cancellation of Accreditation, and Surrender, of Particular Food Safety Programs

Section of FA	Description
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 show cause notice.
119(2)	In the specified circumstances, the power to consider all representations.
120	In the specified circumstances, the power to form a belief that a ground no longer exists to cancel the accreditation.
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.
121(2)	Power to cancel the accreditation.
121(3)	Power to give the holder of a food safety program an information notice for the decision if the local government decides to take action under section 121(2).

CHAPTER 7 _ MONITORING AND ENFORCEMENT**Part 5 - Injunctions**

Section of FA	Description
222(b)	Power to form a belief on reasonable grounds that an injunction under the part is necessary.
223	Power to apply to the District Court for an injunction in relation to the conduct.

CHAPTER 9 - REVIEWS AND APPEALS**Part 1 - Internal Review of Decisions**

Section of FA	Description
238(2)	Power to extend the time for applying for the review.
239	Power to give an applicant a notice of the review decision.
239(1)	In the specified circumstances, the power to make a further decision after reviewing the original decision.

Schedule 1

CHAPTER 10 – LEGAL PROCEEDINGS**Part 3 - Proceedings**

Section of FA	Description
255(1)(b)	Power to apply to the Court for an order against a person for the payment of the costs, that the state or local government has incurred in taking a thing or doing something during the investigation of an offence.
258(1)	Power to consider appropriate the way in which the local government may deal with a thing that becomes local government's property.
258(2)	Power to destroy or dispose of a thing.

CHAPTER 11 – MISCELLANEOUS**Part 3 - Prescribed contaminants in food**

Section of FA	Description
277	Power to approve forms for the use by the local government under this Act.

CHAPTER 11 – MISCELLANEOUS**Part 3B – Food business rating schemes**

Section of FA	Description
271H(1)	<i>Power to give the chief executive notice of intention to conduct a food business rating scheme.</i>
271H(2)	<i>Before conducting a food business rating scheme, power to give the chief executive a notice stating the specified matters.</i>
271K(1)	<i>Power to make a submission to the Minister against a proposed disallowance of the food business rating scheme.</i>
271M(1) (c)(i)	<i>Power to give notice of disallowance to all food businesses participating in the scheme.</i>

Note: Not yet proclaimed into force

Schedule 1

CHAPTER 12 – REPEAL AND TRANSITIONAL PROVISIONS
Part 3 – Transitional provisions for Health Legislation Amendment Act 2011

<i>Section of FA</i>	<i>Description</i>
303(2)	<i>Power to give a notice to the chief executive within 90 days of the commencement of chapter 11, part 3B of the FA stating the required details.</i>

Note: Not yet proclaimed into force

Schedule 2

Limitations and Conditions to the Exercise of Power

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, the delegate in exercising delegated power in relation to that matter, will only commit the Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge adversely affects, or is likely to adversely affect, the Council's relations with the public at large.
3. The delegate will not exercise any delegated power in relation to a matter which has already been the subject of a resolution or other decision of the Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable affect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any power which cannot lawfully be the subject of delegation by Council.

COUNCIL DELEGATIONS TO CHIEF EXECUTIVE OFFICER

Instrument of Delegation - Fire and Emergency Services Act 1990

Meeting Date: 23 September 2014

Attachment No: 3



INSTRUMENT OF DELEGATION

Fire and Emergency Services Act 1990

Under 257 of the *Local Government Act 2009*, **ROCKHAMPTON REGIONAL COUNCIL** resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations and conditions contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Schedule 1

Fire and Emergency Services Act 1990 ("FWSA")**Part 9B- Review of Notices**

Section of FWSA	Description
104SG(2)	Power to nominate persons as assessors.

Part 10 - Funding**Division 1 - Interpretation**

Section of FWSA	Description
105(1) "Prescribed property" paragraph (b)	In the specified circumstances, power to determine that a portion of a parcel of land separately held by an owner should be classed as a separate parcel for the purposes of Part 10 of the <i>Fire and Rescue Service 1990</i> .

Division 2 - Funding for Urban Fire Brigades

Section of FWSA	Description
112(2)	In the specified circumstances, power to give the owner of each prescribed property within its area a levy notice.
113(6)	In certain circumstances, power to amend or revoke a levy licence and give a new levy licence.
117(3)	In the specified circumstances, the power to decide the way in which Council keeps the administration fee.
121(2)	Power to refuse an application to pay an outstanding amount in instalments or grant an application to pay an outstanding amount in instalments subject to any conditions thought fit.
126(1)	Power to, by notice in writing, require an owner of prescribed property to pay an amount not exceeding an amount representing the prescribed per centum of the amount of arrears, by way of collection fee.

Schedule 1

Chapter 4 - State Emergency Service, Emergency Service Units and Authorised Rescue Officers**Part 1 State Emergency Service****Division 3 - Membership in SES Units**

Section of FWSA	Description
134(2)	Power to nominate a local controller of an SES unit.

Division 5 – Agreements

Section of FWSA	Description
140	Power to enter an agreement with the Commissioner that sets out responsibilities of each party in relation to the SES in the local government's area.

Part 2 Emergency Service Units

Section of FWSA	Description
146(2)	Power to nominate an ES unit co-ordinator of the ES unit.

Schedule 2

Limitations and Conditions to the Exercise of Power

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, the delegate in exercising delegated power in relation to that matter, will only commit the Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge adversely affects, or is likely to adversely affect, the Council's relations with the public at large.
3. The delegate will not exercise any delegated power in relation to a matter which has already been the subject of a resolution or other decision of the Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable affect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any power which cannot lawfully be the subject of delegation by Council.

COUNCIL DELEGATIONS TO CHIEF EXECUTIVE OFFICER

Instrument of Delegation - Environmental Protection Act 1994

Meeting Date: 23 September 2014

Attachment No: 4



INSTRUMENT OF DELEGATION

Environmental Protection Act 1994

Under Section 518(1)(b) of the *Environmental Protection Act 1994*, **ROCKHAMPTON REGIONAL COUNCIL**, resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations and conditions contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Schedule 1

*Environmental Protection Act 1994***CHAPTER 5 – ENVIRONMENTAL AUTHORITIES FOR ENVIRONMENTALLY RELEVANT ACTIVITIES****Part 2 – Application Stage****Division 4 – Notices about not properly made applications**

Entity Power Given To	Section of EPA	Description
Administering authority	128(2)	In certain circumstances, the power to give the applicant a notice.
Administering authority	129(2)	In certain circumstances, the power to agree to a further period with the applicant.

Division 5 – Joint applicants

Entity Power Given To	Section of EPA	Description
Administering authority	130(3)	In certain circumstances, the power to: <ul style="list-style-type: none"> (a) give a notice or other document relating to the application to all the applicants, by giving it to the principal applicant nominated in the application; or (b) make a requirement under this chapter relating to the application of all the applicants, by making it of the principal applicant nominated in the application.

Division 6 – Changing applications**Subdivision 1 – Preliminary**

Entity Power Given To	Section of EPA	Description
Administering authority	131(d)	In certain circumstances, power to be satisfied that a change would not adversely affect the ability of the authority to assess the changed application.

Subdivision 3 – Changed applications – effect on assessment process

Entity Power Given To	Section of EPA	Description
Administering authority	133(1)(b)	Power to agree in writing to the change.

Schedule 1

Entity Power Given To	Section of EPA	Description
Administering authority	134(4)	In certain circumstances, the power to be satisfied that the change would not be likely to attract a submission objecting to the thing the subject of the change, if the notification stage were to apply to the change.

Part 3 – Information Stage

Division 2 – Information requests

Entity Power Given To	Section of EPA	Description
Administering authority	140(1)	Power to ask the applicant, by written request (an <i>information request</i>), to give further information needed to assess the application.
Administering authority	143(2)	In certain circumstances, the power to include in an <i>information request</i> a requirement that the applicant provide an EIS for the application.
Administering authority	145(1)	Power to, by written notice given to the applicant and without the applicant's agreement, extend the information request period by not more than 10 business days.
Administering authority	145(3)	Power to request a further extension of the information request period.
Administering authority	147(3)	Power to, within 5 business days after receiving the request: <ul style="list-style-type: none"> (a) decide whether to agree to the extension; and (b) give an information notice of the decision.

Part 4 – Notification Stage

Division 1 – Preliminary

Entity Power Given To	Section of EPA	Description
Administering authority	150(1)(c)	In certain circumstances, the power to be satisfied that the change would not be likely to attract a submission objecting to the thing the subject of the change, if the notification stage were to apply to the change.

Schedule 1

Division 2 – Public notice

Entity Power Given To	Section of EPA	Description
Administering authority	152(3)	Power to: (a) Give the applicant an information notice about the decision before the application notice is given; and (b) decide an additional or substituted way to give or publish the application notice.
Administering authority	159(2)	In certain circumstances, power to decide whether to allow the application to proceed under this part as if the noncompliance had not happened.
Administering authority	159(3)	In certain circumstances, power to be satisfied that there has been substantial compliance with the public notice requirements.
Administering authority	159(4)	In certain circumstances, power to within 10 business days after the decision is made, give the applicant written notice of the decision.
Administering authority	159(5)(b)(i)	In certain circumstances, power to: (a) fix a substituted way to give or publish the application notice; and (b) give the applicant written notice of the substituted way.
Administering authority	159(5)(b)(ii)	In certain circumstances, power to: (a) fix a new submission period for the application; and (b) give the applicant written notice of the period.
Administering authority	159(5)(b)(iii)	In certain circumstances, power to give the applicant an information notice about the decision.

Division 3 – Submissions about applications

Entity Power Given To	Section of EPA	Description
An entity	160	Power to, within the submission period, make a submission to the administering authority about the application.
Administering authority	161(3)	Power to accept a written submission even if it is not a properly made submission.
An entity	162(1)	In certain circumstances, power to, by written notice, amend or replace a submission.

Schedule 1

Part 5 – Decision Stage**Division 2 – Deciding an application****Subdivision 1 – Decision period**

Entity Power Given To	Section of EPA	Description
Administering authority	168(2)	In certain circumstances, the power to, by written notice given to the applicant and without the applicant's agreement, extend the period mentioned in subsection 168(1) by not more than 20 business days.
Administering authority	168(4)	Power to request a further extension of the decision period.

Subdivision 2 – Decision

Entity Power Given To	Section of EPA	Description
Administering authority	170(2)(a)	In certain circumstances, the power to decide that the application be approved subject to the standard conditions for the relevant activity or authority.
Administering authority	170(2)(b)	In certain circumstances, the power to decide that the applicant be issued an environmental authority on conditions that are different to the standard conditions for the activity or authority.
Administering authority	171(2)(a)	In certain circumstances, the power to decide that the application be approved subject to conditions that are different to the standard conditions for the activity or authority.
Administering authority	171(2)(b)	In certain circumstances, the power to decide that the applicant be issued an environmental authority subject to the standard conditions for the activity or authority.
Administering authority	172(2)	In certain circumstances, the power to decide that the application: <ul style="list-style-type: none"> (a) be approved subject to conditions; or (b) be refused.
Administering authority	173(1)	Power to refuse an application if the applicant is not a registered suitable operator.
Administering authority	173(3)	Power to refuse an application for an environmental authority.
Administering authority	174(3)	In certain circumstances, the power to be satisfied that there is no viable location for the activity outside the wild river high preservation area.

Schedule 1

Division 4 – Steps after deciding application

Entity Power Given To	Section of EPA	Description
Administering authority	195	In certain circumstances, power to issue an environmental authority to the applicant.
Administering authority	198(2)	In certain circumstances, power to give the application an information notice about the decision.
Administering authority	198(4)	In certain circumstances, power to give any submitter for the application an information notice about the decision.

Division 6 – Conditions

Entity Power Given To	Section of EPA	Description
Administering authority	203(1)	Power to impose a condition on an environmental authority or draft environmental authority if: (a) it considers the condition is necessary or desirable; and (b) if the authority is for an application to which section 115 applies - the condition relates to the carrying out of the relevant prescribed ERA.
Administering authority	203(2)	In certain circumstances, power to impose a condition on an environmental authority or draft environmental authority.
Administering authority	204(2)	In certain circumstances, power to impose on the authority a condition requiring the holder of the authority to take all reasonable steps to ensure the relevant activity complies with the eligibility criteria for the activity.
Administering authority	209(4)	Power to enter into an agreement to establish obligations, or secure the performance, of a party to the agreement about a condition.

Part 6 – Amending Environmental Authorities by Administering Authority**Division 1 – Amendments**

Entity Power Given To	Section of EPA	Description
Administering authority	211	In certain circumstances, power to amend an environmental authority to correct a clerical or formal error.
Administering authority	212(2)	Power to amend the environmental authority to ensure compliance with conditions included in a determination made by the NNTT under the Commonwealth Native Title Act, section 38(1)(c).

Schedule 1

Entity Power Given To	Section of EPA	Description
Administering authority	212(3)	Power to give written notice of the amendment to the environmental authority holder.
Administering authority	212A(2)	Power to amend the environmental authority to ensure it is consistent with the regional interests development approval.
Administering authority	212A(3)	Power to given written notice the amendment to the environmental authority holder.
Administering authority	213(2)	In certain circumstances, power to amend the existing authority to replace the existing standard conditions with the new standard conditions.
Administering authority	213(3)	In certain circumstances, power to give written notice of the amendment to the environmental authority holder.
Administering authority	214(2)	In certain circumstances, power to amend the environmental authority.
Administering authority	214(3)	In certain circumstances, power to give: (a) an information notice about the amendment to the holder of the environmental authority; and (b) written notice of the amendment to the assessment manager for the development application.
Administering authority	215(1)	In certain circumstances, power to amend an environmental authority.
Administering authority	215(1)(a)	Power to consider the amendment is necessary or desirable because of a matter mentioned in subsection (2) and the procedure under division 2 is followed.

Division 2 – Procedure for particular amendments

Entity Power Given To	Section of EPA	Description
Administering authority	216	Power to propose to amend an environmental authority
Administering authority	217	Power to give the environmental authority holder a written notice (the proposed amendment notice).
Administering authority	218	Power to consider any written representation made within the period stated in the proposed amendment notice by the holder of the environmental authority.
Administering authority	219(1)	In certain circumstances, power to believe a ground exists to make the proposed amendment, and to make the amendment.

Schedule 1

Entity Power Given To	Section of EPA	Description
Administering authority	219(3)	Power to give the holder written notice of the decision.
Administering authority	220	Power to give the environmental authority holder an information notice about the decision.

Division 3 – Steps for amendments

Entity Power Given To	Section of EPA	Description
Administering authority	221(2)(b)	In certain circumstances, power to issue the amended environmental authority to the holder.

Part 7 – Amendment of Environmental Authorities by Application

Division 3 – Assessment level decisions

Entity Power Given To	Section of EPA	Description
Administering authority	228	Power to decide whether the proposed amendment is a major or minor amendment.
Administering authority	229	Power to give the applicant a written notice.
Administering authority	230(2)	In certain circumstances, power to be satisfied that: <ul style="list-style-type: none"> (a) there is likely to be a substantial increase in the risk of environmental harm under the amended environmental authority; and (b) the risk is the result of a substantial change in: <ul style="list-style-type: none"> (i) the quantity or quality of contaminant permitted to be released into the environment; or (ii) the results of the release of a quantity or quality of contaminant permitted to be released into the environment.

Division 4 – Process if proposed amendment is a major amendment

Entity Power Given To	Section of EPA	Description
Administering authority	233(3)	In certain circumstances, power to: <ul style="list-style-type: none"> (a) decide another way of publishing the notice for subsection (2)(b)(ii); and (b) give the applicant an information notice about the decision before the notice is published.
Administering authority	237(1)(b)	Power to agree in writing to the change.

Schedule 1

Entity Power Given To	Section of EPA	Description
Administering authority	238(3)(a)	In certain circumstances, power to within 10 business days after notice of the change is received, ask the applicant to give further information needed to assess the application
Administering authority	238(7)	In certain circumstances, power to be satisfied the change would not be likely to attract a submission objecting to the thing the subject of the change, if the notification stage were to apply to the change.

Division 5 – Process if proposed amendment is minor amendment

Entity Power Given To	Section of EPA	Description
Administering authority	240(1)	Power to, within 10 business days after notice of the assessment level decision is given, decide either to approve or refuse the application.
Administering authority	240(2)	Power to be satisfied the proposed amendment is necessary or desirable.
Administering authority	240(3)	In certain circumstances, power to make any other amendments to the conditions of the environmental authority it considers: (a) relate to the subject matter of the proposed amendment; and (b) are necessary or desirable.

Division 6 – Steps after deciding amendment application

Entity Power Given To	Section of EPA	Description
Administering authority	242(1)(b)	In certain circumstances, power to issue the amended environmental authority to the applicant.
Administering authority	242(3)	Power to within 10 business days after the decision is made, give the applicant an information notice about the decision.

Schedule 1

Part 8 – Amalgamating Environmental Authorities**Division 2 – Deciding amalgamation application**

Entity Power Given To	Section of EPA	Description
Administering authority	247(1)	Power to, within 20 business days after the day the amalgamation application is received, decide to: <ul style="list-style-type: none"> (a) approve the application; or (b) if the application is for an amalgamated local government authority or amalgamated project authority—refuse the application.
Administering authority	247(2)(c)	Power to be satisfied there is an appropriate degree of integration between the activities.
Administering authority	247(3)	Power to be satisfied the relevant activities for the existing environmental authorities are being carried out as a single integrated operation.

Division 3 – Miscellaneous provisions

Entity Power Given To	Section of EPA	Description
Administering authority	248(b)	In certain circumstances, power to issue to the applicant: <ul style="list-style-type: none"> (a) if the application is for an amalgamated corporate authority – an amalgamated corporate authority; or (b) if the application is for an amalgamated local government authority – an amalgamated local government authority; or (c) if the application is for an amalgamated project authority – an amalgamated project authority.
Administering authority	249	Power to, within 10 business days after refusing an amalgamation application, give the applicant an information notice about the decision.

Part 9 – Transferring Environmental Authorities for Prescribed ERAs

Entity Power Given To	Section of EPA	Description
Administering authority	254(1)	Power to consider each transfer application and decide to: <ul style="list-style-type: none"> (a) approve the transfer; or (b) refuse the transfer.
Administering authority	255(1)(b)	In certain circumstances, power to issue the amended environmental authority (the transferred environmental authority) to each holder.

Schedule 1

Entity Power Given To	Section of EPA	Description
Administering authority	255(2)	In certain circumstances, power to, within 10 business days after the decision is made, give the existing holder and the proposed holder written notice of the decision.

Part 10 – Surrender of Environmental Authorities**Division 1 – Preliminary**

Entity Power Given To	Section of EPA	Description
Administering authority	258(2)	In certain circumstances, power to by written notice (a surrender notice), require the holder of the environmental authority to make a surrender application.
Administering authority	261(2)	In certain circumstances, power to approve a surrender application for part of the environmental authority.

Division 3 – Final rehabilitation reports

Entity Power Given To	Section of EPA	Description
Administering authority	264(2)(a)	Power to agree to a methodology.

Division 4 – Requests for Information

Entity Power Given To	Section of EPA	Description
Administering authority	265	Power to ask the applicant, by written request, to give further information needed to assess the surrender application.

Division 5 – Deciding surrender applications

Entity Power Given To	Section of EPA	Description
Administering authority	266(1)	Power to decide to: (a) approve the surrender application; or (b) refuse the surrender application.
Administering authority	269(a)	Power to be satisfied the conditions of the environmental authority have been complied with.
Administering authority	269(b)(i)	Power to be satisfied the land on which each relevant activity for the environmental authority has been carried out has been satisfactorily rehabilitated.

Schedule 1

Entity Power Given To	Section of EPA	Description
Administering authority	269(b)(ii)	Power to be satisfied the land will be satisfactorily rehabilitated under a transitional environmental program.
Administering authority	269(c)	Power to be satisfied of another circumstance prescribed by regulation.

Division 8 – Miscellaneous provisions

Entity Power Given To	Section of EPA	Description
Administering authority	275(a)(ii)	In certain circumstances, power to give the applicant written notice of the decision.
Administering authority	275(b)	In certain circumstances, power to give the applicant an information notice about the decision.

Part 11 – Cancellation or Suspension of Environmental Authorities**Division 1 – Preliminary**

Entity Power Given To	Section of EPA	Description
Administering authority	278(1)	In certain circumstances, power to cancel or suspend an environmental authority .

Division 2 – Procedure for cancellation or suspension by administering authority

Entity Power Given To	Section of EPA	Description
Administering authority	280(1)	Power to give the environmental authority holder a written notice.
Administering authority	281	Power to consider any written representation made within the stated period by the environmental authority holder.
Administering authority	282(1)	In certain circumstances, power to believe a ground exists to take the proposed action.
Administering authority	282(1)(a)	In certain circumstances, power to suspend the environmental authority for no longer than the proposed suspension period.
Administering authority	282(1)(b)	In certain circumstances, power to either cancel the environmental authority or suspend it for a fixed period.
Administering authority	282(3)	Power to decide not to take the proposed action and, if so, give the environmental authority holder written notice of the decision.

Schedule 1

Entity Power Given To	Section of EPA	Description
Administering authority	283(1)	Power to give the environmental authority holder an information notice about the decision.
Administering authority	283(2)	In certain circumstances, power to give written notice of the decision to the chief executive administering the resource legislation.

Part 11A – General Provisions**Division 3 – Deciding suspension applications**

Entity Power Given To	Section of EPA	Description
Administering authority	284C	Power to decide whether to approve the application or refuse the application.
Administering authority	284F(1)(a)(ii)	In certain circumstances, power to give the holder of the environmental authority written notice of the decision.
Administering authority	284F(1)(b)	In certain circumstances, power to give the holder an information notice about the decision.

Part 12 – General Provisions**Division 1 – Plan of operations for environmental authority relating to mining lease or petroleum lease**

Entity Power Given To	Section of EPA	Description
Administering authority	287	Power to agree with the holder in writing to a shorter period.

Division 2 – Financial assurance**Subdivision 1 – Requiring financial assurance**

Entity Power Given To	Section of EPA	Description
Administering authority	292(1)	Power to, by condition of an environmental authority, require the holder of the environmental authority to give the administering authority financial assurance.
Administering authority	292(2)	Power to be satisfied the condition is justified.
Administering authority	292(3)	Power to require a financial assurance to remain in force until satisfied no claim is likely to be made on the assurance.

Schedule 1

Subdivision 2 – Amount and form of financial assurance

Entity Power Given To	Section of EPA	Description
Administering authority	295(1)	Power to decide the amount and form of financial assurance required under a condition of an environmental authority.
Administering authority	295(2)(c)	Power to agree with the holder of the environmental authority to a further period.
Administering authority	295(4)	Power to form an opinion as to the amount that represents the total of likely costs and expenses that may be incurred taking action to rehabilitate or restore and protect the environment because of environmental harm that may be caused by the activity.
Administering authority	296	Power to, within 5 business days after making a decision under section 295(1), give an information notice about the decision to the holder of the environmental authority.

Subdivision 3 – Claiming or realising financial assurance

Entity Power Given To	Section of EPA	Description
Administering authority	299(2)	Power to must give written notice to the entity who gave the financial assurance.
Administering authority	300	Power to consider any written representations made within the stated period by the entity who gave the financial assurance.
Administering authority	301(1)	Power to decide whether to make a claim on or realise the financial assurance.
Administering authority	301(2)	In certain circumstances, power to give the entity an information notice about the decision.

Subdivision 4 – Amending or discharging financial assurance

Entity Power Given To	Section of EPA	Description
Administering authority	304(1)	Power to, by written notice, require the applicant to give it a compliance statement for the financial assurance before deciding the application.
Administering authority	305(1)(a)	Power to approve or refuse the application.
Administering authority	305(1)(b)	In certain circumstances, power to give the applicant an information notice about the decision.

Schedule 1

Entity Power Given To	Section of EPA	Description
Administering authority	305(3)	Power to be satisfied no claim is likely to be made on the assurance.
Administering authority	305(5)	Power to withhold making a decision under subsection (1).
Administering authority	306(1)	In certain circumstances, power to, at any time, require the holder of an environmental authority or small scale mining tenure for which financial assurance has been given to change the amount of the financial assurance.
Administering authority	306(3)	Power to give written notice to the holder of the environmental authority or small scale mining tenure.
Administering authority	306(6)	In certain circumstances, power to consider any written submissions made by the holder within the stated period.

Division 3 – Annual fees and returns**Subdivision 1 – Annual notices**

Entity Power Given To	Section of EPA	Description
Administering authority	308(2)	In certain circumstances, power to give the environmental authority holder a written notice complying with subsection (3) (an annual notice).

Subdivision 1 – Annual notices

Entity Power Given To	Section of EPA	Description
Administering authority	310(1)	In certain circumstances, power to change the anniversary day, for an environmental authority for which an annual fee is prescribed under a regulation, to another day (the new day).
Administering authority	311	Power to decide whether or not to change the anniversary day to the new day.
Administering authority	312	Power to give the holder: <ul style="list-style-type: none"> (a) if the decision is to change the day – written notice of the decision; or (b) if the decision is not to change the day – an information notice about the decision.

Schedule 1

Division 4 – Non-compliance with eligibility criteria

Entity Power Given To	Section of EPA	Description
Administering authority	314(2)	In certain circumstances, power to require the holder of the environmental authority to: <ul style="list-style-type: none"> (a) make a site-specific application for a new environmental authority under part 2; or (b) make an amendment application for the authority under part 7.
Administering authority	314(3)	Power to give written notice of the proposed requirement to the holder of the environmental authority.
Administering authority	314(5)	Power consider any representations made by the holder within the stated period.

Division 5 – Miscellaneous provisions

Entity Power Given To	Section of EPA	Description
Administering authority	315(1)	Power to ask any entity for advice, comment or information about an application made under this chapter at any time.

CHAPTER 7 – ENVIRONMENTAL MANAGEMENT**Part 2 – Environmental Evaluations****Division 2 – Environmental audits****Subdivision 1 – Audit requirements**

Entity Power Given To	Section of EPA	Description
Administering Authority	322(1)	In certain circumstances, power to, by written notice, require the holder of an environmental authority to: <ul style="list-style-type: none"> (a) conduct or commission an audit (an environmental audit) about a stated matter concerning a relevant activity; and (b) give the administering authority an environmental report on the audit.
Administering Authority	322(2)	Power to be reasonably satisfied the audit is necessary or desirable.

Schedule 1

Entity Power Given To	Section of EPA	Description
Administering Authority	323(1)	Power to be satisfied that: <ul style="list-style-type: none"> (a) a person is, or has been, contravening a regulation, an environmental protection policy or a transitional environmental program; or (b) a person is, or has been, contravening any of the following provisions: <ul style="list-style-type: none"> (i) section 363E; (ii) section 440Q; (iii) section 440ZG; (iv) a provision of chapter 8, part 3D, 3E or 3F.
Administering Authority	323(2)	Power to, by written notice (also an audit notice), require the person to: <ul style="list-style-type: none"> (a) Conduct or commission an audit (also an environmental audit) about the matter; and (b) give the administering authority an environmental report about the audit.

Division 3 – Environmental investigations

Entity Power Given To	Section of EPA	Description
Administering Authority	326B(1)	Power to be satisfied on reasonable grounds that: <ul style="list-style-type: none"> (a) an event has happened causing environmental harm while an activity was being carried out; or (b) an activity or proposed activity is causing, or is likely to cause environmental harm.
Administering Authority	326B(2)	Power to, by written notice (an investigation notice), require the person who has carried out, is carrying out or is proposing to carry out the activity to: <ul style="list-style-type: none"> (a) conduct or commission an investigation (an environmental investigation) about the event or activity; and (b) submit an environmental report about the investigation to the authority.

Division 5 – Steps after receiving environmental reports

Entity Power Given To	Section of EPA	Description
Administering Authority	326F(2)	Power to, by written notice, ask the recipient to give further information needed to decide whether to approve the environmental report.

Schedule 1

Entity Power Given To	Section of EPA	Description
Administering Authority	326G(4)	Power to decide to accept the report or to refuse to accept the report.
Administering Authority	326G(5)	Power to be satisfied that the report does not adequately address the relevant matters for the environmental investigation to which the report relates.
Administering Authority	326G(7)	In certain circumstances, power to extend the period mentioned in subsection (6) for making the decision.
Administering Authority	326G(7)(a)	Power to be satisfied that there are special circumstances for extending the time.
Administering Authority	326G(8)	Power to give the recipient written notice of the decision within 5 business days after making the decision.
Administering Authority	326H	Power to do one or more of the following: (a) require the recipient to prepare and submit a transitional environmental program to it; (b) if the recipient is the holder of an environmental authority – amend the conditions of the authority; (c) serve an environmental protection order on the recipient; or (d) take any other action it considers appropriate.
Administering Authority	326I(2)	Power to require the recipient to conduct or commission another environmental investigation and submit a report on the investigation to it.
Administering Authority	326I(3)	Power to give written notice to the recipient.

Part 3 - Transitional Environmental Programs

Division 2 - Submission and approval of transitional environmental programs

Entity Power Given To	Section of EPA	Description
Administering Authority	332(1)	Power to require a person or public authority to prepare and submit for approval a draft transitional environmental program: (a) as a condition of an environmental authority; or (b) as a development condition of a development approval.
Administering Authority	332(2)	In the specified circumstances, the power to require a person or public authority to prepare and submit for approval a draft transitional environmental program.

Schedule 1

Entity Power Given To	Section of EPA	Description
Administering Authority	334A(1)	Power to, by written notice, ask the person or public authority that submitted the draft transitional environmental program to give further information needed to decide whether to approve the draft program.
Administering Authority	336(1)	Power to invite a person or public authority that has submitted a draft transitional environmental program and another person who has made a submission under section 335 of the <i>Environmental Protection Act 1994</i> about the transitional environmental program, to a conference to help in deciding whether or not to approve the program.
Administering Authority	336(2)	Power to give written notice to all persons invited to attend a conference of when and where the conference is to be held.
Administering Authority	336(3)	If its considered impracticable to give notice to all persons invited to attend a conference, the power to give notice of the conference by publishing a notice in the newspapers you decide.
Administering Authority	336(4)	In the specified circumstances, the power to appoint an independent person to mediate a conference.
Administering Authority	336A(1)	Power to ask any person for advice, comment or information about a submission for approval of a transitional environmental program at any time.
Administering Authority	337(1)	In the specified circumstances, the power to decide whether to approve a draft transitional environmental program within the specified time period.
Administering Authority	337(2)	In certain circumstances, power to extend the period mentioned in subsection (1) for making the decision.
Administering Authority	337(2)	Power to gives an information notice about the decision to extend to the person or public authority that submitted the program and any submitters.
Administering Authority	338(1)	In deciding whether to approve or refuse to approve a draft program or the conditions (if any) of the approval, the power to: <ul style="list-style-type: none"> (a) comply with any relevant regulatory requirement; and (b) subject to paragraph (a), consider the specified criteria.

Schedule 1

Entity Power Given To	Section of EPA	Description
Administering Authority	339(1)	Power to: (a) approve a draft transitional environment program: (i) as submitted; or (ii) as amended at the request, or with the agreement, of the administering authority; or (b) refuse to approve a draft transitional environmental program.
Administering Authority	339(2)	Power to impose on an approval of a draft transitional environmental program: (a) any conditions the authority must impose under a regulatory requirement; (b) a condition requiring the holder of the approval to give an amount of financial assurance as security for compliance with the transitional environmental program and any conditions of the program; and (c) any other conditions the administering authority considers appropriate.
Administering Authority	340(1)	Power to , within 8 business days after making a decision under section 339, give the person or public authority that submitted the program a written notice about the decision.
Administering Authority	340(2)(b)	If the program is approved, power to state any conditions imposed on the approval by the administering authority.
Administering Authority	340(2)(c)	If the program is approved, power to state the day the approval ends.
Administering Authority	340(3)	If the program is refused, or approved with conditions, power to give an information notice.
Administering Authority	342(2)	In the specified circumstances, the power to consider and decide whether to approve a draft transitional environmental program if satisfied there has been substantial compliance with the <i>Environmental Protection Act 1994</i> .
Administering Authority	343A(2)(B)	In certain circumstances, power to give the holder of the environmental authority a copy of the environmental authority including the note.

Schedule 1

Division 3A – Financial assurances

Entity Power Given To	Section of EPA	Description
Administering Authority	344(3)	In the specified circumstances, the power to approve an amendment of an approval for a transitional environmental program for an environmentally relevant activity.
Administering Authority	344(4)	Without limiting the matters to be considered in deciding an application, the power to have regard to the specified criteria.
Administering Authority	344A(2)	Power to may recover the reasonable costs or expenses of taking the action by making a claim on or realising the financial assurance or part of it.
Administering Authority	344A(3)	Power to give written notice to the person who gave the financial assurance.
Administering Authority	344B	Power to consider any written representations made within the stated period by the person who gave the financial assurance.
Administering Authority	344C(1)	Power to, within 10 business days after the end of the stated period, decide whether to make a claim on or realise the financial assurance.
Administering Authority	344C(2)	Power to, within 5 business days after making the decision, give the person an information notice about the decision.

Part 4 – Special Provisions about Voluntary Submission of Transitional Environmental Programs

Entity Power Given To	Section of EPA	Description
Administering Authority	352(1)	In the specified circumstances, the power to give written notice to a person of: (a) receiving a program notice; and (b) the day by which a draft transitional environmental program dealing with the activity must be submitted for approval.
Administering Authority	355(1)	In certain circumstances, power to apply to the Court for an order that section 353(1) does not apply to the person for any continuation of the original offence.

Schedule 1

Part 4A – Temporary emissions licences

Entity Power Given To	Section of EPA	Description
Administering Authority	357E(1)	Power to: (a) grant the application for a temporary emissions licence: (i) as submitted; (ii) on different terms than have been requested in the application; or (b) refuse to grant the application for a temporary emissions licence.
Administering Authority	357E(2)	Power to impose conditions on the temporary emissions licence it considers are necessary or desirable.
Administering Authority	357F	Power to give the applicant an information notice about the decision if the decision is to: (a) grant the application on different terms than have been requested in the application: or (b) refuse the application.
Administering Authority	357J	In certain circumstances, power to end, cancel or suspend a temporary emissions licence.

Part 5 – Environmental Protection Orders

Entity Power Given To	Section of EPA	Description
Administering Authority	358	In the specified circumstances, the power to issue an order (an environmental protection order) to a person.
Administering Authority	359	Before deciding to issue an environmental protection order, the power to consider the standard criteria.

Part 8 – Contaminated land Environmental Evaluations**Division 2 – Environmental audits**

Entity Power Given To	Section of EPA	Description
Local Government	372(1)	In certain circumstances, power to give notice to the administering authority in the approved form.
Local Government	372(2)	In certain circumstances, power to give notice under the subsection to the administering authority in the approved form.

Schedule 1

Division 3 – Investigation of land on environmental register

Entity Power Given To	Section of EPA	Description
Local Government	376(2)	In certain circumstances, power to conduct or commission a site investigation.
Local Government (as the recipient of a written notice to conduct or commission a site investigation)	378(1)	Power to apply to the administering authority for it to waive the requirement for the recipient to conduct or commission a site investigation.
Local Government (as the recipient of a written notice to conduct or commission a site investigation)	385(1) and 385(2)(a)	Power to conduct or commission another site investigation and submit a report on the investigation to the administering authority, or to provide further information to the administering authority

Division 4 – Remediation of land

Entity Power Given To	Section of EPA	Description
Local Government	391(2)	In certain circumstances, power to conduct or commission work to remediate the land.
Local Government (as the recipient of a written notice to conduct or commission a site investigation)	392(1)	Power to apply to the administering authority for it to waive the requirement for the recipient to conduct or commission work to remediate contaminated land.

Schedule 1

Division 5 – Site Management Plans

Subdivision 2 – Procedure for approval of site management plan

Entity Power Given To	Section of EPA	Description
Administering Authority	405(2)(b)	Power to require a draft site management plan to be prepared or commissioned, and submitted for approval
Administering Authority	405(3)	In certain circumstances, power require a local government to prepare or commission a draft site management plan.
Administering Authority	406(2)	Power to give a copy of a notice to the owner

Subdivision 4 – Amendment of site management plan

Entity Power Given To	Section of EPA	Description
Local Government	419(2)	In certain circumstances, power to prepare and submit a draft amendment of a site management plan to the administering authority.

Part 8 – Contaminated Land

Division 5 – Site management plans

Subdivision 1 – Residual risk requirement

Entity Power Given To	Section of EPA	Description
Administering Authority	419A(2)	Power to, by written notice, require the person who submitted the draft site management plan or draft amendment of a site management plan to pay it a stated amount within a stated reasonable period for the residual risks of the area the subject of the plan or amendment.
Administering Authority	419B	Power to be satisfied the requirement is justified.
Administering Authority	419C(1)	Power to decide the form of the payment required.

Schedule 1

CHAPTER 9 – INVESTIGATION AND ENFORCEMENT**Part 1 – Administration Generally**

Entity Power Given To	Section of EPA	Description
As delegate of the Chief Executive of the Environmental Protection Agency: 516(1)(b) and 517	445(1)(c)	In the specified circumstances, the power to appoint an authorised person.
Chief Executive Officer	445(2)	Power to appoint an employee of a local government to be an authorised person
As delegate of the Chief Executive of the Environmental Protection Agency: 516(1)(b) & 517.	448	In the specified circumstances, the power to issue an identity card to each authorised person appointed.
Administering Authority	451(1)	In the specified circumstances, the power to give a notice under section 451 of the <i>Environmental Protection Act 1994</i> to a person requiring the person to give information relevant to the administration and enforcement of the <i>Environmental Protection Act 1994</i> .

Part 2 - Powers of Authorised Persons for Places and Vehicles

Entity Power Given To	Section of EPA	Description
Administering Authority	454(1)	Power to believe on reasonable grounds land is contaminated land
Administering Authority	454(3)(b)	Power to give written notice to the owner and occupier.

Schedule 1

Entity Power Given To	Section of EPA	Description
Administering Authority	458(2)	In the specified circumstances, the power to give written notice of an application made under section 458(1) of the <i>Environmental Protection Act 1994</i> to: <ul style="list-style-type: none"> (a) the owner of the land; and (b) if the owner is not the occupier of the land - the occupier; and (c) if the application is for an order to carry out work mentioned in section 458(1)(a) of the <i>Environmental Protection Act 1994</i>: <ul style="list-style-type: none"> (i) the environmental authority holder; or (ii) transitional environmental program approval holder; or (iii) the registered operator. (d) if the application is for an order to take actions required under a clean-up notice – the recipient of the notice.
Administering Executive	463(2)	In the specified circumstances, the power to direct the destruction or disposal of a forfeited thing.
As delegate of the Chief Executive of the Environmental Protection Agency: 516(1)(b) and 517.	490	In the specified circumstances, the power to issue a certificate.

CHAPTER 10 – LEGAL PROCEEDINGS**Part 3 - Legal Proceedings**

Entity Power Given To	Section of EPA	Description
Administering Authority	502A(2)	Power to carry out work or take any other action reasonably necessary to fulfil the requirements of an order made against a person under section 502.

Part 4 - Restraint orders

Entity Power Given To	Section of EPA	Description
CEO (both as CEO and as administering executive)	517(2)	Power to delegate their powers under this Act to an appropriately qualified employee of the local government.

Schedule 1

CHAPTER 11 – ADMINISTRATION**Part 3 – Review of Decisions and Appeals****Division 2 – Internal Review of Decisions**

Entity Power Given To	Section of EPA	Description
Administering Authority	521(2)(a)(ii)	In the specified circumstances, the power to allow a longer period within which an application for a review of an original decision must be made.
Administering Authority	521(5)	In the specified circumstances, the power to, within the decision period for a review of an original decision: <ul style="list-style-type: none"> (a) review the original decision; and (b) consider any submissions properly made by a recipient of a review notice; and (c) make a decision (the review decision) to: <ul style="list-style-type: none"> (i) confirm or revoke the original decision; or (ii) vary the original decision in a way considered appropriate.
Administering Authority	521(8)	Within 10 business days after making a review decision, the power to give written notice of the review decision to the applicant and persons who were given notice of the original decision.

Division 3 – Appeals**Subdivision 2 – Appeals to Court**

Entity Power Given To	Section of EPA	Description
Dissatisfied person	531(1)	In certain circumstances, power to may appeal against the decision to the Court.

Part 4 – General

Entity Power Given To	Section of EPA	Description
Administering Executive	544(1)	Power to approve forms.

Schedule 1

CHAPTER 12 – MISCELLANEOUS

Part 3A – Auditors

Division 1 – Preliminary

Entity Power Given To	Section of EPA	Description
Auditor	568	<p>Power to, subject to the terms of an approval under division 2:</p> <ul style="list-style-type: none"> (a) conduct environmental audits and prepare environmental reports about audits under chapter 7, part 2, division 2; and (b) evaluate site investigation reports, validation reports, draft site management plans and draft amendments of site management plans prepared under chapter 7, part 8 against criteria prescribed under a regulation (the prescribed criteria) and: <ul style="list-style-type: none"> (i) if the report or plan does not comply with the prescribed criteria—prepare a report about the evaluation; or (ii) if the report or plan complies with the prescribed criteria—provide written certification that it complies with the criteria; and (c) audit or evaluate another matter or thing prescribed under a regulation and prepare a report or written certification about the audit or evaluation.

CHAPTER 13 – SAVINGS, TRANSITIONAL AND RELATED PROVISIONS

Part 5 – Transitional provisions for *Environmental Protection Legislation Amendment Act 2003*

Entity Power Given To	Section of EPA	Description
Administering Authority	620(2)	In the specified circumstances, the power to change or cancel a condition of a environmental authority.
Administering Authority	620(5)(b)	<p>In the specified circumstances, if a condition has changed or cancelled, the power to, within the specified time period, give the registered operator:</p> <ul style="list-style-type: none"> (i) a copy of the development conditions as applying after the change or cancellation; and (ii) a registration certificate.
Administering Authority	621(1)	Power to, for an activity being carried out under an environmental authority mentioned in section 619(1) of the <i>Environmental Protection Act 1994</i> , give to the person

Instrument of Delegation
Environmental Protection Act 1994

Schedule 1

Entity Power Given To	Section of EPA	Description
		carrying out the activity: (a) if the activity was carried out at 1 location - a development approval for the location; or (b) if the activity was carried at more than 1 location and is not a mobile and temporary environmentally relevant activity - a development approval for each location; or (c) if the activity is a mobile and temporary environmentally relevant activity - a development approval for a mobile and temporary environmentally relevant activity.
Administering Authority	621(2)	If the person carrying out the activity does not have a registration certificate for the activity, the power to also give the person a registration certificate for the activity.
Administering Authority	621(4)	If you act under section 621(1) or (2) of the <i>Environmental Protection Act 1994</i> , the power to give the person carrying out the activity an information notice about your decision to give the approval or approval and certificate.
Administering Authority	623(2)	In the specified circumstances, the power to give a registered operator a notice stating that you are satisfied that the risk of environmental harm from carrying out the activity is no longer insignificant.
Administering Authority	626(3)(a)	In the specified circumstances, the power to, by written notice, ask an applicant to give a stated document or information relevant to an application.

Part 6 - Transitional Provisions for *Petroleum and Other Legislation Amendment Act 2004*

Entity Power Given To	Section of EPA	Description
Administering Authority	634(1)	In the specified circumstances, the power to amend a condition about financial assurance imposed under Part 7, Chapter 13 of the <i>Environmental Protection Act 1994</i> to require the giving of replacement financial assurance, in a form and amount decided by you.

Part 17 - Transitional provisions for the *Environmental Protection and Other Legislation Amendment Act 2011*

Entity Power Given To	Section of EPA	Description
Administering authority	671(2)	Power to consider, or continue to consider, the draft transitional environment program and decide whether to approve an existing draft transitional environment program under the unamended Act.

Instrument of Delegation
Environmental Protection Act 1994

Schedule 1

Part 18 - Transitional provisions for Environmental Protection (Greentape Reduction) and Other Legislation Amendment Act 2012**Division 5 – Transitional authorities for environmentally relevant activities**

Entity Power Given To	Section of EPA	Description
Administering authority	697(1)	Power to decide whether to approve the application or refuse the application.
Administering authority	698(1)	In certain circumstances, power to: (a) amend the environmental authority to give effect to the conversion; and (b) issue the amended environmental authority to the applicant.
Administering authority	698(2)	In certain circumstances, power to give the applicant an information notice about the decision.

Division 5A – Transitional authorities for environmentally relevant activities

Entity Power Given To	Section of EPA	Description
Administering authority	698B	Power to approve an application to convert the surrendered registration certificate to an environmental authority that has been suspended under chapter 5, part 11A (a <i>conversion application</i>).

Division 8 – Provisions about environmental management plans

Entity Power Given To	Section of EPA	Description
Administering authority	701(2)	Power to amend the new authority to impose conditions consistent with the environmental management plan.

Schedule 2

Limitations and Conditions to the Exercise of Power

1. The Chief Executive Officer may sub-delegate the powers:
 - (a) conferred on the Administering Authority contained in Schedule 1 to an appropriately qualified entity; and
 - (b) conferred on the Local Government contained in Schedule 1.
2. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, the delegate in exercising delegated power in relation to that matter, will only commit the Council to reasonably foreseeable expenditure up to the amount allocated.
3. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge adversely affects, or is likely to adversely affect, the Council's relations with the public at large.
4. The delegate will not exercise any delegated power in relation to a matter which has already been the subject of a resolution or other decision of the Council (including a policy decision relating to the matter).
5. The delegate will not exercise any delegated power in a manner, or which has the foreseeable affect, of being contrary to an adopted Council policy or procedure.
6. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
7. The delegate will not exercise any power which cannot lawfully be the subject of delegation by Council.

COUNCIL DELEGATIONS TO CHIEF EXECUTIVE OFFICER

Instrument of Delegation - Information Privacy Act 2009

Meeting Date: 23 September 2014

Attachment No: 5



INSTRUMENT OF DELEGATION

Information Privacy Act 2009

Under Section 257 of the *Local Government Act 2009*, **ROCKHAMPTON REGIONAL COUNCIL**, resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations and conditions contained in Schedule 2.

All prior resolutions delegating the same powers are repealed.

Schedule 1

*Information Privacy Act 2009 ("IPA")***Powers delegated:****CHAPTER 2 – PRIVACY PRINCIPLES****Part 3 Transfer of Personal Information Outside Australia**

Entity Power Given To	Section of IPA	Description
Law Enforcement Agency	29	Power to be satisfied on reasonable grounds that noncompliance with the IPP is necessary in certain circumstances.
Agency	33(a)	Power to agree with an individual to transfer an individual's personal information to an entity outside Australia
Agency	33(c)	Power to be satisfied on reasonable grounds that the transfer is necessary to lessen or prevent a serious threat to the life, health, safety or welfare of an individual, or to public health, safety or welfare.
Agency	33(c)(i)	Power to form a reasonable belief that the recipient of the personal information is subject to a law, binding scheme or contract that effectively upholds principles for the fair handling of personal information that are substantially similar to the IPPs or, if the agency is a healthy agency, the NPPs.

Part 4 Compliance with Parts 1 to 3 by Contracted Service Providers

Entity Power Given To	Section of IPA	Description
Agency	34(1)	Power to enter into a service arrangement with a service provider.

CHAPTER 3 – DISCLOSURE AND AMENDMENT BY APPLICATION UNDER THIS ACT**Part 2 - Access and amendment applications**

Entity Power Given To	Section of IPA	Description
Agency	44(3)	Power to consider a person has an appropriate interest in the amendment of the personal information.

Schedule 1

Entity Power Given To	Section of IPA	Description
Agency	49(2)	Power to consider a search for a document from a backup system is appropriate.

Part 3 - Dealing with Application**Division 1 – Decision-maker**

Entity Power Given To	Section of IPA	Description
Principal Officer (the CEO – does not require delegation)	50(2)	Power to delegate the power to deal with an application to another officer of the agency.
Agency	50(5)(b)	Power to appoint an appropriately qualified health care professional to make a health care decision in relation to the application.

Division 2 – Preliminary contact with applicant

Entity Power Given To	Section of IPA	Description
Entity	52(1)(b)	Power to decide that an application is outside the scope of this Act for 1 or more of the following reasons: <ul style="list-style-type: none"> (i) the document is not a document of an agency, or document of a Minister, for this chapter; (ii) the entity is not an agency for this chapter; (iii) the application is made to the information commissioner, RTI commissioner or privacy commissioner.
Entity	52(2)	Power to give prescribed written notice to the applicant of the decision.
Agency	53(2)	Power to inform a person how an application does not comply with a relevant application requirement.
Agency	53(5)	Power to decide that an application does not comply with all relevant application requirements and to give the applicant prescribed written notice of the decision.
Agency	54(5)(b)	Power to consider whether an application is an application that can be made under this Act and power to give the applicant prescribed written notice of the decision.

Schedule 1

Entity Power Given To	Section of IPA	Description
Agency	55(1)	At any time before a deemed decision is taken to have been made in relation to an access or amendment application, power to ask the applicant for a further specified period to consider the application.
Agency	55(3)	Power to continue to consider the application and make a considered decision in relation to it in certain circumstances.

Division 3 – Contact with relevant third party

Entity Power Given To	Section of IPA	Description
Agency	56(1)	Power to give access to a document of which may reasonably be expected to be of concern to a government, agency or person.
Agency	56(3)(b)	Power to decide: <ul style="list-style-type: none"> (i) that a document is a document for this chapter; or (ii) that the information is not exempt information or contrary to public interest information.
Agency	56(3)(c)	Power to give prescribed written notice of the decision in 56(3)(b) to the applicant and the relevant third party.
Agency	56(3)(d)	In the specified circumstances, power to defer giving access to a document.
Agency	56(4)	Power to give the applicant written notice when access is no longer deferred under 56(3)(d).

Division 4 - Transfers

Entity Power Given To	Section of IPA	Description
Agency	57(2)	In the specified circumstances, power to transfer an access or amendment application to another agency.

Part 4 - Refusal to Deal with Access or Amendment Application

Entity Power Given To	Section of IPA	Description
Agency	59(2)	Power to refuse to deal with an application without having identified any or all of the documents.

Schedule 1

Entity Power Given To	Section of IPA	Description
Agency	60(1)	Power to refuse to deal with an access or amendment application, or, if the agency or Minister is considering 2 or more access or amendment applications by the applicant, all the applications, if when using the power to consider the work involved in dealing with the application or all the applications would, if carried out : (a) substantially and unreasonably divert the resources of the agency from their use by the agency in the performance of its functions.
Agency	61(1)	Power to give the applicant a written notice regarding its refusal to deal with an application under section 60.
Agency	62(3)	In the specified circumstances, power to refuse to deal with the later application to the extent it is for access to a document or documents sought under the first application.
Agency	63(3)	In the specified circumstances, power to refuse to deal with the later application to the extent it is for amendment of a document or documents sought under the first application.

Part 5 - Decision**Division 1 – Access Applications**

Entity Power Given To	Section of IPA	Description
Agency	65(a)	In the specified circumstances, power to make a decision (a considered decision): (i) whether access is to be given to the document; and (ii) if access is to be given – whether any access charge must be paid before access is given,
Principal Officer (the CEO – does not require delegation)	66(2)	In the specified circumstances, power to give prescribed written notice of the decision to the applicant.
Agency	68(1)	In the specified circumstances, power to give a prescribed written notice to an applicant.
Agency	69(2)	Power to give a prescribed written notice.

Schedule 1

Division 2 – Amendment Applications

Entity Power Given To	Section of IPA	Description
Agency	70	If a person makes an amendment application for a document, power to: (a) consider the application and make a considered decision whether the amendment of the document is to be permitted; and (b) give the person a written notice of the decision.
Principal Officer (the CEO – does not require delegation)	71(2)	Power to give prescribed written notice of the decision to the applicant.
Agency	72(1)	Power to refuse to amend a document if the agency is not satisfied: (a) the personal information is inaccurate, incomplete, out of date or misleading; or (b) the information sought to be amended is personal information of the applicant; or (c) if the application is purportedly made by an agent, that the agent is suitably authorised to make the amendment application.
Agency	73(1)	Power to give a prescribed written notice to the applicant for an amendment application of the decision on the application.
Agency	74	Power to make an amendment by: (a) altering the personal information; or (b) adding an appropriate notation to the personal information.
Agency	76(3)(b)	Power to give the applicant written notice of the nature of the notation.
Agency	76(5)	Power to decide the information to which the notice relates is not information in relation to which the applicant was entitled to apply to the agency for amendment of the document.
Agency	76(5)(b)	In the specified circumstances, power to give prescribed written notice to the applicant of the decision.

Schedule 1

Part 6 - Charging Regime**Division 3 – Waiver of charges**

Entity Power Given To	Section of IPA	Description
Agency	81(1)	Power to consider whether an access charge for an access application should be waived.
Agency	82(2)	When deciding to waive any access charge for an application, power to consider: <ul style="list-style-type: none"> (a) the applicant is the holder of a concessional card; and (b) the applicant is not making the application for some other person who is seeking to avoid the payment of a charge.
Agency	82(3)	Power to give the applicant a prescribed written notice of a decision under 82(2) before the end of the processing period.

Part 7 - Giving Access

Entity Power Given To	Section of IPA	Description
Agency	87(1)	In the specified circumstances, power to defer giving access to a document for a reasonable period.
Agency	87(2)	In the specified circumstances, power to give the applicant written notice when access is no longer deferred under section 87(1).
Agency	88(1)	Power to reasonably consider that a document will disclose to the applicant information that is not relevant to the access application for the document.
Agency	88(2)	Power to delete the irrelevant information from a copy of the document and give access to the document by giving access to a copy of the document with the irrelevant information deleted.
Agency	88(3)	Power to consider, from the terms of the application or after consultation with the applicant- <ul style="list-style-type: none"> (a) the applicant would accept the copy; and (b) it is reasonably practicable to give access to the copy.
Agency	89(c)	Power to decide that an applicant would wish to be given access to a copy of a document and to give access.

Schedule 1

Entity Power Given To	Section of IPA	Description
Agency	90	Power to decide that an applicant would wish to be given access to a copy of a document and to give access.
Agency	91(2)	Power to consider whether it is consistent with the primary object of this act to give the applicant or a person nominated by the applicant and approved by the agency, a summary of the applicant's personal information; and power to agree with the intermediary or the intermediary and applicant regarding conditions of use or disclosure.
Agency	91(3)(a)	Power to make an agreement with an <i>information giver</i> for the disclosure of information given by that person.
Agency	91(3)(b)	Power to make an agreement with another person other than the applicant, for the disclosure of information, if the summary of information contains personal information about the other person.

Part 8 - Internal Review

Entity Power Given To	Section of IPA	Description
Agency	94(2)	Power to review a reviewable decision and make a new decision.
Reviewer	97(1)	Power to decide an internal review application as soon as practicable.
Agency	97(2)	Power to notify an applicant of a decision.
Agency	97(3)	Power to give a prescribed written notice of the decision to the applicant.

Part 9 - External Review**Division 2 – Application**

Entity Power Given To	Section of IPA	Description
Local Government / Agency	102(2)	In the specified circumstances, power to apply to the information commissioner to participate in the external review.
Agency	106(1)(b)	Power to apply to the commissioner to allow the agency further time to deal with the access or amendment application.

Schedule 1

Division 5 – Powers of information commissioner on external review

Entity Power Given To	Section of IPA	Description
Agency	112(2)	Power to give the applicant for external review and the commissioner an additional statement.
Agency	114(2)	Power to give the commissioner a written transcript of words recorded or contained in the document.
Agency	114(3)	Power to give the commissioner a written document created using the equipment.
Agency	115(1)	Power to conduct a particular further search, or further searches, for a document.

Part 11 – References of questions of law and appeals

Entity Power Given To	Section of IPA	Description
Participant in an external review	131(1)	Power to request the commissioner to refer a question of law arising on an external review to QCAT.
Participant in an external review	132(1)	Power to appeal to the Appeal Tribunal against the decision of the information commissioner on the external review.

CHAPTER 4 – INFORMATION COMMISSIONER AND PRIVACY COMMISSIONER**Part 5 Waiving or Modifying Privacy Principles Obligations in the Public Interest**

Entity Power Given To	Section of IPA	Description
Agency	157(1)	Power to apply to the information commissioner for an approval under this section.

Part 6 – Compliance Notices

Entity Power Given To	Section of IPA	Description
Agency	159(1)	If given a compliance notice, power to ask the information commissioner to extend the time within which it must take the action stated in the compliance notice.

Schedule 1

Entity Power Given To	Section of IPA	Description
Agency	159(3)(b)	In the specified circumstances, power to give the commissioner an undertaking to take the stated action within the extended period.

CHAPTER 5 – PRIVACY COMPLAINTS**Part 3 – Mediation of privacy complaints**

Entity Power Given To	Section of IPA	Description
Respondent	172(1)	Power to agree on a resolution of the complaint.

SCHEDULE 3 – INFORMATION PRIVACY PRINCIPLES

Entity Power Given To	Section of IPA	Description
Agency	2(5)(b)	Power to form a reasonable belief that there would be little practical benefit to the individual in complying with subsection 3 in the circumstances.
Agency	7(3)	Power to consider it is not required to amend personal information included in a document under the agency's control in a way asked for by the individual the subject of the personal information.
Agency	10(1)(b)	Power to be satisfied on reasonable grounds that the use of the information for the other purpose is necessary to lessen or prevent a serious threat to the life, health, safety, or welfare of an individual, or to public health, safety or welfare.
Agency	10(1)(d)	Power to be satisfied on reasonable grounds that the use of the information for the other purpose is necessary in certain circumstances.
Agency	11(1)(c)	Power to be satisfied on reasonable grounds that the disclosure is necessary to lessen or prevent a serious threat to the life, health, safety or welfare of an individual, or to public health, safety or welfare.
Agency	11(1)(e)	Power to be satisfied on reasonable grounds that the disclosure of the information is necessary in certain circumstances.
Agency	11(1)(f)(iv)	Power to be satisfied on reasonable grounds that the relevant entity will not disclose the personal information to another entity.

Schedule 2

Limitations to the Exercise of Power

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, the delegate in exercising delegated power in relation to that matter, will only commit the Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge adversely affects, or is likely to adversely affect, the Council's relations with the public at large.
3. The delegate will not exercise any delegated power in relation to a matter which has already been the subject of a resolution or other decision of the Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable affect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any power which cannot lawfully be the subject of delegation by Council.

COUNCIL DELEGATIONS TO CHIEF EXECUTIVE OFFICER

Instrument of Delegation - Public Health Regulation 2005

Meeting Date: 23 September 2014

Attachment No: 6



INSTRUMENT OF DELEGATION

Public Health Regulation 2005

Under Section 257 of the *Local Government Act 2009*, **ROCKHAMPTON REGIONAL COUNCIL**, resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations and conditions contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Schedule 1

*Public Health Regulation 2005***Part 1A – Public Health Risks**

Entity Power Given to	Section of PHA	Description
Local Government	21(2)(c)	Power to approve a site for the disposal of asbestos waste.

Schedule 2

Limitations and Conditions to the Exercise of Power

1. The Chief Executive Officer may sub-delegate the powers contained in Schedule 1.
2. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, the delegate in exercising delegated power in relation to that matter, will only commit the Council to reasonably foreseeable expenditure up to the amount allocated.
3. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge adversely affects, or is likely to adversely affect, the Council's relations with the public at large.
4. The delegate will not exercise any delegated power in relation to a matter which has already been the subject of a resolution or other decision of the Council (including a policy decision relating to the matter).
5. The delegate will not exercise any delegated power in a manner, or which has the foreseeable affect, of being contrary to an adopted Council policy or procedure.
6. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
7. The delegate will not exercise any power which cannot lawfully be the subject of delegation by Council.

COUNCIL DELEGATIONS TO CHIEF EXECUTIVE OFFICER

Instrument of Delegation - Animal Care and Protection Act 2001

Meeting Date: 23 September 2014

Attachment No: 7



INSTRUMENT OF DELEGATION

Animal Care and Protection Act 2001

Under section 257 of the *Local Government Act 2009*, Rockhampton Regional Council resolves to delegate the exercise of powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations and conditions contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Schedule 1

Animal Care and Protection Act 2001 ("ACPA")**CHAPTER 3 – GENERAL ANIMAL OFFENCES****Part 5 - Other Prohibited and Regulated Conduct****Division 3 – Baits or harmful substances**

Entity power given to	Section of ACPA	Description
Prescribed entity ¹	36(1)	The power to administer or feed an animal a substance that Council knows is harmful or poisonous to the animal, with the intention of injuring or killing the animal.

CHAPTER 6 – INVESTIGATION AND ENFORCEMENT**Part 2 - Power of Inspectors****Division 4 – Seizure and forfeiture****Subdivision 5 – Dealing with property forfeited or transferred to State or prescribed entity**

Entity power given to	Section of ACPA	Description
Prescribed entity	156(2)	In the specified circumstances, the power to agree in writing to the transfer of ownership of animal or other thing.
Prescribed entity	157(2)	In the specified circumstances, the power to deal with an animal or other thing that has become the property of Council as considered appropriate.

CHAPTER 7 – EVIDENCE AND LEGAL PROCEEDINGS**Part 3- Remedies****Division 3 – Baits or harmful substances**

Entity power given to	Section of ACPA	Description
Prescribed entity	189(2)	In the specified circumstances, the power to recover costs from an animal's owner or former owner for costs necessarily and reasonably incurred in relation to the interests of the animal's welfare or its destruction.

CHAPTER 8 – GENERAL PROVISIONS**Part 2 Miscellaneous Provisions**

Entity power given to	Section of ACPA	Description
Prescribed entity	214A(2)	In the specified circumstances, the power to agree in writing to the transfer of ownership of animal.

¹ A local government is a prescribed entity for the purpose of the ACPA. See also, section 10 of the *Animal Care and Protection Regulation 2012*.

Schedule 2

Limitations and Conditions to the Exercise of Power

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, the delegate in exercising delegated power in relation to that matter, will only commit the Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, the Council's relations with the public at large.
3. The delegate will not exercise any delegated power in relation to a matter which has already been the subject of a resolution or other decision of the Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable affect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise any delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

COUNCIL DELEGATIONS TO CHIEF EXECUTIVE OFFICER

Instrument of Delegation - Sustainable Planning Act 2009

Meeting Date: 23 September 2014

Attachment No: 8



INSTRUMENT OF DELEGATION

Sustainable Planning Act 2009

Under Section 257 of the *Local Government Act 2009*, **ROCKHAMPTON REGIONAL COUNCIL**, resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations and conditions contained in Schedule 2.

All prior resolutions delegating the same powers are repealed.

Schedule 1

*Sustainable Planning Act 2009 ("SPA")***CHAPTER 3 – LOCAL PLANNING INSTRUMENTS****Part 2 - Planning Schemes****Division 5 – Application of superseded planning schemes**

Entity Power Given To	Section of SPA	Description
Local Government	96(1)	Decide a request for application of a superseded planning scheme
Local Government	96(2)	Extend the period in which to make a decision on a request for application of a superseded planning scheme
Local Government	96(4)	Request further extensions of the period in which to make a decision on a request for application of a superseded planning scheme
Local Government	97	Give notice of a decision on a request for application of a superseded planning scheme
Local Government	98(4)	Decide a request to extend the period for carrying out development the subject of a superseded planning scheme application.
Local Government	98(4)	Give notice of a decision on a request to extend the period for carrying out development the subject of a superseded planning scheme application

CHAPTER 5 – DESIGNATION OF LAND FOR COMMUNITY INFRASTRUCTURE**Part 6 - Acquiring Designated Land**

Entity Power Given To	Section of SPA	Description
Local Government	223(1)	Decide a request by the owner of an interest in designated land to acquire the designated land under hardship
Local Government	224	Give notice to an owner who has made a request under section 223 of a proposal to buy the nominated interest

Instrument of Delegation
Sustainable Planning Act 2009

Schedule 1

Entity Power Given To	Section of SPA	Description
Local Government	225	Give notice to an owner who has made a request under section 223 of a refusal to acquire the nominated interest
Local Government	226	Give notice of intention to take one of the specified actions as an alternative to buying a nominated interest
Local Government	227(2)	In the specified circumstances, give the owner of land notice of intention to resume the nominated interest

CHAPTER 6 – INTEGRATED DEVELOPMENT ASSESSMENT SYSTEM

Part 1 - Preliminary

Division 4 – Assessment managers and referral agencies

Subdivision 3 – Additional third party advice or comment about applications

Entity Power Given To	Section of SPA	Description
Assessment Manager Concurrence Agency	256(1)	Ask a person for advice or comment about an IDAS application

Part 2 - Application Stage

Division 1 – Application process

Subdivision 1 – Applying for development approvals

Entity Power Given To	Section of SPA	Description
Assessment Manager	261(1)(a)(ii)(A)	Power to be satisfied the application complies with section 260(1)(a), (b), (d) and (e) and (3);
Assessment Manager	262(5)(a)	Extend the period to take action under e-IDAS in the specified circumstances
Assessment Manager	262(5)(b)	Give notice of an extension of time taken under e-IDAS

Schedule 1

Subdivision 2 – Notices about receipt of applications

Entity Power Given To	Section of SPA	Description
Assessment Manager	266(1)	Give notice that an application is not a properly made application
Assessment Manager	267(2)	In the specified circumstances, give an acknowledgement notice for a properly made application

Division 2 – Giving material to referral agencies

Entity Power Given To	Section of SPA	Description
Assessment Manager	274(2)(b)	Agree to extend the time for compliance with section 272 after an application has been revived under section 274(1)

Part 3 - Information and Referral Stage**Division 3 – Information requests**

Entity Power Given To	Section of SPA	Description
Assessment Manager Concurrence Agency	276(1)	Issue an information request for further information needed to assess an application
Assessment Manager Concurrence Agency	277(1)	Extend the information request period
Assessment Manager Concurrence Agency	277(3)	Request further extensions of the information request period
Assessment Manager Concurrence Agency	279(1)(a)	Decide to extend the information response period for an application required by an enforcement notice or in response to a show cause notice
Assessment Manager Concurrence Agency	279(1)(b)	Decide to extend the information response period on any other IDAS application

Schedule 1

Entity Power Given To	Section of SPA	Description
Assessment Manager	280(2)	Agree to extend the time for compliance with section 278 after an application has been revived under section 280(1)

Division 4 – Referral agency assessment**Subdivision 1 – Assessment generally**

Entity Power Given To	Section of SPA	Description
Referral Agency	282(1)	Assess the application against the specified matters.
Referral Agency	282(2)	Assess the application having regard to the specified matters.
Concurrence Agency	284(1)	Extend the assessment period
Concurrence Agency	284(3)	Request further extensions of the assessment period

Subdivision 2 – Concurrence agency responses

Entity Power Given To	Section of SPA	Description
Concurrence Agency	285(2)	Give a concurrence agency response
Concurrence Agency	290(1)(a)	In the specified circumstances, give a late concurrence agency response
Concurrence Agency	290(1)(b)(i)	In the specified circumstances amend a concurrence agency response where: <ul style="list-style-type: none"> (a) the applicant agrees to the amended response; or (b) the Minister has given a direction under section 420
Concurrence Agency	290(1)(b)(ii)	Amend a concurrence agency response to respond directly to: <ul style="list-style-type: none"> (a) a change made to a development application in response to an information request; or (b) a matter raised in a properly made submission for the application.

Schedule 1

Entity Power Given To	Section of SPA	Description
Concurrence Agency	290(2)	Give notice of a proposal to amend a concurrence agency response under section 290(1)(b)(ii)

Subdivision 3 – Advice agency responses

Entity Power Given To	Section of SPA	Description
Advice Agency	291(2)	Give an advice agency response

Part 4 - Notification Stage

Division 2 – Public notification

Entity Power Given To	Section of SPA	Description
Assessment Manager	297(1)	In the specified circumstances carry out public notice of an application
Assessment Manager	302(1)(a)	Agree to extend the period in which to carry out actions under section 297(1)
Assessment Manager	302(1)(b)	Agree to extend the time for compliance with section 301
Assessment Manager	303(2)	Agree to extend the time to carry out the actions under section 297(1) after an application has been revived under section 303(1)
Assessment Manager	303(3)	Agree to extend the time for compliance with section 301 after an application is revived under section 303(1)
Assessment Manager	304(1)	In specified circumstances, assess an application despite non-compliance with public notification
Assessment Manager	305(3)	Accept a written submission that is not a properly made submission

Instrument of Delegation
Sustainable Planning Act 2009

Schedule 1

Part 5 - Decision Stage**Division 2 – Assessment Process**

Entity Power Given To	Section of SPA	Description
Assessment Manager	313(2)	In the specified circumstances, assess the part of the application against each of the specified matters or things to the extent the matter or thing is relevant to the development.
Assessment Manager	313(3)	In the specified circumstances, assess the part of the application having regard to the specified matters.
Assessment Manager	314(2)	In the specified circumstances, assess the part of the application against each of the specified matters or things to the extent the matter or thing is relevant to the development.
Assessment Manager	314(3)	In the specified circumstances, assess the part of the application having regard to the specified matters.

Division 3 – Decision**Subdivision 1 – Decision-making period**

Entity Power Given To	Section of SPA	Description
Assessment Manager	318(2)	Extend the decision making period
Assessment Manager	318(4)	Request further extensions of the decision making period

Subdivision 2 – Decision rules-generally

Entity Power Given To	Section of SPA	Description
Assessment Manager	324(1)	Decide an application other than an application for a preliminary approval that seeks to vary the effect of a local planning instrument.

Schedule 1

Subdivision 3 – Decision rules-application under section 242

Entity Power Given To	Section of SPA	Description
Assessment Manager	327(1)	Decide the part of an application for a preliminary approval that seeks to vary the effect of a local planning instrument

Subdivision 4 – Deemed decision for particular applications

Entity Power Given To	Section of SPA	Description
Assessment Manager	331(6)	Where a deemed approval has been given for an application, issue a decision notice

Division 4 – Notice of decision

Entity Power Given To	Section of SPA	Description
Assessment Manager	334(1)	Where a decision has been made on an application, issue a decision notice

Division 6 – Conditions

Entity Power Given To	Section of SPA	Description
Assessment Manager Concurrence Agency	348	Enter into an agreement with an applicant to establish obligations or secure the performance of a party to the agreement about a condition

Part 6 - Changing or Withdrawing Development Applications**Division 1 – Preliminary**

Entity Power Given To	Section of SPA	Description
Assessment Manager	350(2)	Decide that a change to an application is a minor change under section 350(1)(d)

Schedule 1

Division 3 – Changed applications – effect on IDAS

Entity Power Given To	Section of SPA	Description
Assessment Manager	354(4)	In the specified circumstances decide that the notification stage does not have to restart or be repeated
Assessment Manager	355(4)	In the specified circumstances decide that the notification stage does not have to be repeated.

Part 7 - Missed Referral Agencies

Entity Power Given To	Section of SPA	Description
Assessment Manager Referral agency	357(2)	Give notice of a missed referral agency

Part 8 - Dealing with decision notices and approvals**Division 1 – Changing decision notice and approvals during the applicant's appeal period**

Entity Power Given To	Section of SPA	Description
Assessment Manager	363(1)	Issue a negotiated decision notice
Assessment Manager	363(5)	Give notice that the assessment manager does not agree with the applicant's representations
Local Government	364(2)	Give an applicant a new infrastructure charges notice or a regulated infrastructure charges notice or adopted infrastructure charge notice to replace an existing notice where a development approved in a negotiated decision notice affects the amount of an infrastructure charge or regulated infrastructure charge or adopted infrastructure charge notice

Division 2 – Changing approvals-request for change after applicant's appeal period ends**Subdivision 1 – Preliminary**

Entity Power Given To	Section of SPA	Description
Relevant Entity	368(3)	Issue a pre-request response notice

Schedule 1

Subdivision 3 – Assessing and deciding request for change

Entity Power Given To	Section of SPA	Description
Relevant Entity	373(1)(a)	Give the responsible entity notice that there is no objection to a proposed change
Relevant Entity	373(1)(b)	Give the responsible entity notice of objections to the proposed change
Responsible Entity	375(1)	Decide a request to change a development approval
Responsible Entity	376(1)	Give notice of a decision on an application to change a development approval

Division 3 – Changing or cancelling particular conditions-other than on request

Entity Power Given To	Section of SPA	Description
Assessment Manager Concurrence Agency	378(7)	Give notice of intention to change or cancel a development condition
Assessment Manager Concurrence Agency	378(9)	Decide whether to change or cancel a development condition
Assessment Manager Concurrence Agency	378(9)(a)	Give notice that a development condition will not be changed or cancelled
Assessment Manager Concurrence Agency	378(9)(b)	Give notice of a change to or cancellation of a development condition

Division 4 – Cancelling approvals

Entity Power Given To	Section of SPA	Description
Assessment manager	381	Cancel approval at the request of an applicant under section 379

Schedule 1

Division 5 – Extending period of approvals

Entity Power Given To	Section of SPA	Description
Concurrence Agency	385(a)	Give the assessment manager notice that there is no objection to the extension being approved.
Concurrence Agency	385(b)	Give the assessment manager notice of objections to the extension being approved.
Assessment Manager	387(1)	Decide a request to extend the relevant period for an approval
Assessment Manager	387(3)	Agree to extend the decision making period for a request to extend the relevant period
Assessment Manager	389	Give notice of the decision on a request to extend the relevant period

Part 10 - Compliance Stage**Division 2 – Compliance assessment****Subdivision 2 – Referring request to local government**

Entity Power Given To	Section of SPA	Description
Local Government	402(5)(a)	Assess an aspect of development referred by a compliance assessor to the Local Government
Local Government	402(5)(b)	Give notice of the Local Government's response to a matter referred to it by a compliance assessor

Subdivision 3 – Compliance assessor to assess and decide request

Entity Power Given To	Section of SPA	Description
Compliance Assessor	405(2), (3)	Decide a compliance assessment request
Compliance Assessor	405(5)	Issue an action notice for a non-compliant development, document or work
Compliance Assessor	407(1)(a)	Issue a compliance permit for development
Compliance Assessor	407(1)(b)	Issue a compliance certificate for a document or work

Schedule 1

Entity Power Given To	Section of SPA	Description
Compliance Assessor	408(3)(b)(i)	Where a compliance assessment request for development is deemed approved, issue a compliance permit
Compliance Assessor	408(3)(b)(ii)	Where a compliance assessment request for a document or work is deemed approved, issue a compliance certificate
Compliance Assessor	412(3)	Withdraw an action notice after considering representations made under section 412(2)
Compliance Assessor	412(4)	Issue a new action notice after considering representations about a matter mentioned in section 405(5)(b)
Compliance Assessor	412(5)	Issue a new action notice after considering representations about a matter mentioned in section 405(5)(c) or (d)
Local Government	412(6)	Agree to allow a compliance assessor to withdraw an action notice or give a new action notice where a response under section 402 has been given
Compliance Assessor	412(9)	Where the compliance assessor does not agree with representations about a matter mentioned in section 405(b), (c) or (d), give notice of the decision about the representations
Compliance Assessor	413(2)(a)	Decide an application to change a compliance permit or compliance certificate
Compliance Assessor	413(2)(b)	Issue a new compliance permit or compliance certificate showing the change
Compliance Assessor	413(2)(c)	Give notice of refusal to change a compliance permit or compliance certificate
Local Government	413(3)	Allow a compliance assessor to change a condition of a compliance permit imposed by the Local Government

Schedule 1

CHAPTER 7 – APPEALS, OFFENCES AND ENFORCEMENT**Part 1 - Planning and Environment Court****Division 7 – Other court matters**

Entity Power Given To	Section of SPA	Description
Local Government	456(1)	Bring a proceeding in the Court for a declaration
Assessment Manager	456(2)	Bring a proceeding about a matter done, to be done or that should have been done for chapter 6, Part 11, Division 2 for a development application called in the specified circumstances

Division 8 – Appeals to court relating to development applications and approvals

Entity Power Given To	Section of SPA	Description
Applicant	461(9)	Appeal to the Court about a development application
Submitter	462(1)	Appeal to the Court about a development application
Submitter	463(2)	Appeal to the Court about a referral agency's response made by a prescribed concurrence agency for the development application for particular aquaculture development
Advice Agency	464(2)	Appeal to the Court about a development application where the advice agency response is treated as a properly made submission
Concurrence Agency	465(1)	Appeal to the Court about a decision relating to an extension for an approval
Relevant Entity	466(1)	Appeal to the Court about a permissible change to a development application where a notice under section 373 or a pre-request response notice has been given
Person to whom notice is given under s378(9)(b)	467(1)	Appeal to the Court about a change or cancellation of a condition

Schedule 1

Entity Power Given To	Section of SPA	Description
Party to a proceeding before building and Development Committee	479(1)	Appeal to the Court against a decision by a Building and Development Committee

Division 11 – Making an appeal to Court

Entity Power Given To	Section of SPA	Description
Submitter	485(4)	Elect to co-respond to an appeal
Person given notice about an appeal under s 465	485(9)(c)	Elect to co-respond to an appeal where not otherwise a party
Person given notice about an appeal under s 466	485(10)(b)(ii)	Elect to co-respond to an appeal where not otherwise a party
Person given notice of an appeal under Div 10	487(4)	Elect to co-respond to an appeal where not otherwise a party
Entity entitled to elect	488	Elect to be a co-respondent to an appeal

Division 14 – Appeals to Court of Appeal

Entity Power Given To	Section of SPA	Description
Party to a proceeding	498(1)	Appeal a decision of the Court to the Court of Appeal

Schedule 1

Part 2 - Building and development dispute resolution committees**Division 3 – Committee declarations****Subdivision 1 – Declarations**

Entity Power Given To	Section of SPA	Description
Assessment Manager	510(3)	Bring an application for a declaration about whether an application is a properly made application
Compliance Assessor	512	Bring an application for a declaration about whether an application for compliance assessment has lapsed
Responsible Entity	513(3)	Bring an application for a declaration about whether a proposed change to an approval is a permissible change

Subdivision 2 – Proceedings for Declarations

Entity Power Given To	Section of SPA	Description
Person entitled to bring proceeding	515(1)	Request fast track proceedings for declarations

Division 4 – Appeals to committees about development applications and approvals**Subdivision 1 – Appeals about particular material changes of use**

Entity Power Given To	Section of SPA	Description
Concurrence Agency	520(2)	Appeal to the building and development committee about a decision to extend an approval
Relevant Entity	521(a)(ii)	Appeal to the building and development committee about a permissible change to a development application where a notice under section 373 or a pre-request response notice has been given
Person to whom notice of appeal is given under ss 539 or 541	543(5)	Elect to co-respond to an appeal under sections 519, 522 or 527 where not otherwise a party

Schedule 1

Entity Power Given To	Section of SPA	Description
Person to whom notice of appeal is given under ss 539 or 541	544(c)	Elect to co-respond to an appeal under section 520 or section 529 where not otherwise a party
Person to whom notice of appeal is given	545(b)(ii)	Elect to co-respond to an appeal under s521 where not otherwise a party
Person to whom notice of appeal is given under s541	546(c)	Elect to co-respond to an appeal under section 528 where not otherwise a party
Local government	547(3)(b)	Elect to co-respond to an appeal under sections 532, 533 or 535 where not otherwise a party

Division 6 – Appeals to committees about building, plumbing and drainage and other matters

Subdivision 1 – Appeals about development applications and approvals

Entity Power Given To	Section of SPA	Description
Advice agency	528	Appeal to the building and development committee about giving a development approval for building work to be assessed against the Building Act
Concurrence Agency	529(1)	Appeal to the building and development committee about a decision to extend a development approval
Concurrence Agency	530(1)(a)(ii)	Appeal to the building and development committee about a decision to make a permissible change to an application where a notice under section 373 or a pre-request notice has been given
Person to whom notice is given under s378(9)(b)	531(1)	Appeal to the building and development committee about change or cancellation of a development condition

Schedule 1

Division 8 – Making appeals to building and development committees

Entity Power Given To	Section of SPA	Description
Advice agency	537(i)	Request a fast track appeal

Part 3 - Provisions about Offences, Notices and Orders**Division 2 – Show cause notice**

Entity Power Given To	Section of SPA	Description
Assessment Manager	588(2)	Issuing a show cause notice for a development offence

Division 3 – Enforcement notices

Entity Power Given To	Section of SPA	Description
Assessing Authority	590(1)	Issue an enforcement notice for a development offence
Assessing Authority	590(9)	In relation to a development offence involving premises, issue an enforcement notice to the owner where the person who committed the offence is not the owner of the premises

Division 4 – Offence proceedings in Magistrates Court

Entity Power Given To	Section of SPA	Description
Local Government Assessing Authority for building assessment provisions Assessing Authority	597(1)	Bring a proceeding in a Magistrates Court for an offence against Chapter 7, Part 3

Schedule 1

Division 5 – Enforcement orders of Court

Entity Power Given To	Section of SPA	Description
Local Government Assessing Authority for building assessment provisions	601(1)(a)	Bring a proceeding in the Court for an enforcement order to remedy or restrain the commission of a development offence
Local Government Assessing Authority	601(1)(b)	Bring a proceeding in the Court for an interim enforcement order
Local Government Assessing Authority	601(1)(c)	Bring a proceeding in the Court to cancel or change an enforcement order or interim enforcement order

CHAPTER 8 – INFRASTRUCTURE

Part 1 Preliminary

Entity Power Given To	Section of SPA	Description
Local Government	626(3)(a)	Power to give and amend an Infrastructure Charges Notice for the relevant Development Approval

Part 2 Provisions for Local Governments

Division 1 – Charges for Trunk Infrastructure

Subdivision 2 – Charges Resolution

Entity Power Given To	Section of SPA	Description
Participating Local Government for a distributor - retailer	632(2)	Power to agree about the changes break up (a breakup agreement)
Local Government	635(2)	Power to give and amend an Infrastructure Charges Notice

Instrument of Delegation
Sustainable Planning Act 2009

Schedule 1

Subdivision 4 – Payment

Entity Power Given To	Section of SPA	Description
Local Government	639	In certain circumstances power to agree

Subdivision 5 – Changing Charges during relevant appeal period

Entity Power Given To	Section of SPA	Description
Local Government	642	Power to consider the submissions
Local Government	643(1)	Power to decide it agrees with a submission and give the recipient a new infrastructure charges notice (a negotiated notice)
Local Government	643(4)	Power to decide it does not agree with any of the submissions and give the recipient a notice stating the decision

Division 2 – Development Approval conditions about trunk infrastructure**Subdivision 1 – Conditions for necessary trunk infrastructure**

Entity Power Given To	Section of SPA	Description
Local Government	646(2)	Power to impose a condition requiring either or both of the following to be provided at the stated time (a) the identified infrastructure; (b) the different trunk infrastructure delivering same desired standard service.
Local Government	647	Power to impose a condition on a development approval that requires development infrastructure necessary to service the premises to be provided at a stated time

Schedule 1

Local Government	615	Power to impose a condition (and additional payment condition)
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Subdivision 2 – Conditions for additional trunk infrastructure costs

Entity Power Given To	Section of SPA	Description
Local Government	650	Power to impose a condition (and additional payment condition)
Local Government	651(2)	Power to agree the payment time with the Applicant
Local Government	655(3)	Power to agree to on terms of the timing of the refund with the payer.

Subdivision 3 – Working out costs for required off-set or refunds

Entity Power Given To	Section of SPA	Description
Local Government	657(3)	Power to give notice to the applicant about and to amend the existing Infrastructure Charges Notice

Division 3 – Miscellaneous provisions about trunk infrastructure**Subdivision 1 – Conversion of particular non-trunk infrastructure before construction starts**

Entity Power Given To	Section of SPA	Description
Local Government	660	Power to consider and decide the conversion application within the required period
Local Government	660(3)	Power to give notice to the applicant requiring the applicant to give information the Local Government reasonably needs to make the decision.
Local Government	660(5)(b)	Power to agree with the applicant about any later period for compliance with the notice
Local Government	661(1)	Power to give the applicant notice of the decision
Local Government	662(3)	Power to amend the development approval by imposing a necessary infrastructure condition for the trunk infrastructure

Instrument of Delegation
Sustainable Planning Act 2009

Schedule 1

Local Government	662(4)	In certain circumstances power to give an Infrastructure Charges Notice, or amend by notice to the applicant, any existing Infrastructure Charges Notice for the development approval
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Subdivision 2 – Other Provisions

Entity Power Given To	Section of SPA	Description
Local Government	664	Power to agree with the applicant that a levied charge is, for the purposes of its recovery taken to be rates of the local government that levied it

Part 3 Provision to State Infrastructure Providers

Entity Power Given To	Section of SPA	Description
Local Government	669	Power to agree with the State infrastructure provider and the person who provided the replacement infrastructure about when the amount of the levy charged will be paid

Part 4 Infrastructure Agreements

Entity Power Given To	Section of SPA	Description
Local Government	673A(2)	Power to give the distributor-retailer a copy of the agreement
Owner of land	674(1)	Power to enter an agreement and consent to obligations under it being attached to the land
Owner of land	674(4)	Power to give the copy of the Agreement under 674(1) evidencing the owner's consent to the Local Government for the land
Local Government	678(3)	Power to set a reasonable period within which submissions about the proposed sale may be made to the Local Government
Local Government	678(4)	Power to consider all submissions made to it within the stated period

Instrument of Delegation
Sustainable Planning Act 2009

Schedule 1

Part 5 Miscellaneous

Entity Power Given To	Section of SPA	Description
Local Government	679(2)	Power to impose a condition on a Development Approval for the supply of development infrastructure

CHAPTER 9 – MISCELLANEOUS**Part 2 - Environmental Impact Statements****Division 2 – EIS process**

Entity Power Given To	Section of SPA	Description
Local Government	691(8)	Comment on draft terms of reference
Local Government	695(1)	Make a submission on a draft EIS
Local Government	695(3)(a)	Amend a submission on a draft EIS
Local Government	695(3)(b)	Withdraw a submission on a draft EIS

Part 3 - Compensation

Entity Power Given To	Section of SPA	Description
Local Government	709(1)	Decide a claim for compensation
CEO	709(2)	To: (a) give a claimant a written notice of decision; (b) notify the amount of any compensation to be paid; (c) advise the claimant of appeal rights.
Local Government	710(2)(a)	For an entitlement to claim the compensation under section 705, give notice of intention to resume the interest in the land under the <i>Acquisition of Land Act</i> , section 7

Schedule 1

Entity Power Given To	Section of SPA	Description
Local Government	710(2)(b)	For an entitlement to claim the compensation under section 705, in addition to rejecting all or part of the claim, decide to amend the planning scheme so that use of the land for the purposes the land could have been used for under the superseded planning scheme would be consistent with the new or amended planning scheme or planning scheme policy

Part 4 - Power to Purchase, Take or Enter Land for Planning Purposes

Entity Power Given To	Section of SPA	Description
CEO	713	To give registrar of titles written notice of payment of compensation under Section 704
Local Government	714	Decide to take or purchase land for planning purposes under the <i>Acquisition of Land Act</i>
Assessment Manager / Relevant Entity	715(1)	Enter land at all reasonable times to undertake works if the assessment manager / relevant entity is satisfied: <ul style="list-style-type: none"> a) implementing a development approval or compliance permit would require the undertaking of works on land other than the land the subject of the approval or permit; and b) the applicant or person who requested compliance assessment 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 the agreement; and c) the action is necessary to implement the development approval or compliance permit.
Assessment Manager	716(3)	Decide a claim for compensation for loss or damage because of an entry onto land under section 715
Assessment Manager	716(5)	Recover from the applicant or person who requested compliance assessment the amount of any compensation or loss or damage paid under this part that is not attributable to the assessment manager's negligence

Schedule 1

Part 7 - Notification stage for particular aquaculture development**Division 2 – Public notification**

Entity Power Given To	Section of SPA	Description
Local Government	741	To give a planning certificate.
Assessment Manager	746(1)	Carry out public notification of proposed development
Assessment Manager	749(2)	To give each prescribed concurrence agency for the application, written notice that the assessment manager has complied with this division.
Assessment Manager	750	In the specified circumstances, assess an application despite non-compliance with public notification

Part 7A – Provisions for distributor-retailers**Division 5 – Infrastructure funding and planning for distributor-retailers****~~Subdivision 1 – Conditions about non-trunk infrastructure and funding trunk infrastructure – general~~**

Entity Power Given To	Section of SPA	Description
Local Government	755F	Power to: (a) give a copy of the decision notice to the distributor – retailer; and (b) give a copy of any negotiated decision notice for the application to the distributor – retailer; and (c) if the local government receives a deemed approval notice for the application and does not give the applicant a decision notice or negotiated decision notice for the application – give a copy of the deemed approval notice to the distributor – retailer.
A participating Local Government for a Distributor – Retailer	755I	Power to give the distributor – retailer a copy of each compliance permit or compliance certificate given by the local government.

Instrument of Delegation
Sustainable Planning Act 2009

Schedule 1

Entity Power Given To	Section of SPA	Description
A participating Local Government for a Distributor - Retailer	755I(3)	The power, within five business days after receiving the copy of a compliance permit or compliance certificate under section 408(4), to give the distributor - retailer a copy of the permit or certificate.
Local Government	755J	Power to impose (under section 626 or 626A) a condition about non-trunk infrastructure for a distributor-retailer's water service or wastewater service
Local Government	755M(1)	Enter into a written agreement, and alternatives to, paying regulated infrastructure charges
Local Government	755MA(7)	Enter into a written agreement, and alternatives to, paying adopted infrastructure charges
Local Government	755Q(1)	The power to require relevant different trunk infrastructure for a distributor (under s649(2)) - retailer's water service or wastewater service.
Local Government	755Q(2)	The power to impose (under s649(3)) a condition about trunk infrastructure, including relevant different trunk infrastructure for a distributor-retailer's water service or wastewater service.
Local Government	755R(1)	Power to impose (under section 650(1)) a condition about additional trunk infrastructure costs for a distributor-retailer's water service or wastewater service

Division 6 – Provisions about Appeals

Entity Power Given To	Section of SPA	Description
Assessment Manager	755U(2)	Power to give, within five business days after receiving a notice of appeal under section 482 for an application, a copy of it to the distributor - retailer for whom the assessment manager is exercising concurrence agency jurisdiction.
Local Government	755V(2)	Power to, within five business days after receiving a notice of appeal, give a copy to the distributor - retailer.

Schedule 1

CHAPTER 10 – REPEAL, TRANSITIONAL AND VALIDATION PROVISIONS**Part 8 - Transitional Provisions for Local Government and Other Legislation Amendment Act 2013****Division 5 – Application of superseded planning schemes*****Subdivision 2 – Applications or requests made before the changeover day***

Entity Power Given To	Section of SPA	Description
Local Government*	952(2)	In certain circumstances, power to decide whether it is to continue to be the decision maker for the application or request.
Local Government*	952(3)	In certain circumstances, power to give written notice of the decision.

Subdivision 6 – Miscellaneous

Entity Power Given To	Section of SPA	Description
Local Government*	959(2)	In certain circumstances, power to decide how to and to carry out consultation.

Schedule 2

Limitations and Conditions to the Exercise of Power

1. The Chief Executive Officer may sub-delegate the powers contained in Schedule 1.
2. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, the delegate in exercising delegated power in relation to that matter, will only commit the Council to reasonably foreseeable expenditure up to the amount allocated.
3. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge adversely affects, or is likely to adversely affect, the Council's relations with the public at large.
4. The delegate will not exercise any delegated power in relation to a matter which has already been the subject of a resolution or other decision of the Council (including a policy decision relating to the matter).
5. The delegate will not exercise any delegated power in a manner, or which has the foreseeable affect, of being contrary to an adopted Council policy or procedure.
6. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
7. The delegate will not exercise any power which cannot lawfully be the subject of delegation by Council.

COUNCIL DELEGATIONS TO CHIEF EXECUTIVE OFFICER

Instrument of Delegation - Right to Information Act 2009

Meeting Date: 23 September 2014

Attachment No: 9



INSTRUMENT OF DELEGATION

Right to Information Act 2009

Under Section 257 of the *Local Government Act 2009*, **ROCKHAMPTON REGIONAL COUNCIL**, resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations and conditions contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Schedule 1

*Right to Information Act 2009 ("RIA")***CHAPTER 3 - DISCLOSURE BY APPLICATION UNDER THIS ACT****Part 3 - Dealing with Application****Division 2 - Preliminary contact with applicant**

Entity Power Given To	Section of RIA	Description
NOTE	30(1)	Power to deal with all access applications made to a local government as an agency under this Act, is given directly to the Chief Executive Officer as the Council's "principal officer".
Principal Officer	30(2)	The CEO as the Council's Principal Officer has the power to delegate the principal officer powers to deal with an application to another officer of the agency.
Entity	32(1)(b)	Power to decide the application is outside the scope of this Act.
Entity	32(2)	Power to give a prescribed written notice to the applicant of the decision.
Agency	33(2)	Power to inform the person how the application does not comply with the relevant application requirement.
Agency	33(3)	Power to consult with the applicant with a view to making an application in a form complying with all relevant application requirements.
Agency	33(5)	Power to decide the application does not comply with all relevant application requirements and give the applicant prescribed written notice of the decision.
Agency	34(2)	Power to, within 15 business days after the application is received, inform the applicant that: <ul style="list-style-type: none"> (a) the application could have been made under the Information Privacy Act without any application fee or processing charge being payable; and (b) the applicant may either: <ul style="list-style-type: none"> (i) ask for the application to be dealt with under the Information Privacy Act; or (ii) confirm the application as an application under this Act.
Agency	35(1)	In the specified circumstances, power to ask the applicant for a further specified period to consider the application.

Schedule 1

Entity Power Given To	Section of RIA	Description
Agency	35(3)	In the specified circumstances, power to continue to consider the application and make a considered decision relating to it.
Agency	36(1)	If a person makes an access application, power to: <ul style="list-style-type: none"> (a) consider whether a processing charge or access charge is payable in relation to the application; and (b) before the end of the processing period for the application, give the applicant: <ul style="list-style-type: none"> (i) a schedule of relevant documents for the applicant unless the applicant waives the requirement; and (ii) a charges estimate notice.
Agency	36(2)	Power to consult with the applicant with a view to narrowing the application to reduce the applicable charges.
Agency	36(4)	Power to give the applicant a new charges estimate notice.
Agency	36(7)	Power to agree to extend the prescribed period.

Division 3 - Contact with relevant third party

Entity Power Given To	Section of RIA	Description
Agency	37(1)	Power to give access to a document that contains information the disclosure of which may reasonably be expected to be of concern to a government, agency or person (relevant third party) only after taking steps that are reasonably practicable to: <ul style="list-style-type: none"> (a) obtain the views of the relevant third party about whether: <ul style="list-style-type: none"> (i) the document is a document to which this Act does not apply; or (ii) the information is exempt information or contrary to public interest information; and (b) inform the relevant third party that if access is given to the document because of an access application, access may also be given to the document under a disclosure log.
Agency	37(3)(b)	Power to decide: <ul style="list-style-type: none"> (i) the document is a document to which this Act does apply; or (ii) the information is not exempt information or contrary to public interest information.

Schedule 1

Entity Power Given To	Section of RIA	Description
Agency	37(3)(c)	Power to give prescribed written notice of the decision to the applicant and relevant third party.
Agency	37(4)	Power to give the applicant written notice when access is no longer deferred under subsection (3)(d).

Division 4 - Transfers

Entity Power Given To	Section of RIA	Description
Agency	38(2)	In the specified circumstances, power to transfer an application to another agency.
Agency	38(2)(b)	Power to consent to the transfer of an application.

Part 4 - Refusal to Deal with Application

Entity Power Given To	Section of RIA	Description
Agency	40(2)	Power to refuse to deal with the application without having identified any or all of the documents.
Agency	41(1)	Power to consider that the work involved in dealing with an application or all of the applications would substantially and unreasonably divert the resources of agency from their use, and subsequently the power to refuse to deal with an access application, or if there are 2 or more, all of the applications.
Agency	42(1)(a)	Power to give the applicant a written notice: <ul style="list-style-type: none"> (i) stating an intention to refuse to deal with the application; and (ii) advising that, for the prescribed consultation period for the notice, the applicant may consult with the agency with a view to making an application in a form that would remove the ground for refusal; and (iii) stating the effect of subsections (2) to (6).
Agency	42(1)(a)(ii)	Power to consult the applicant with a view to making an application in the form that would remove the ground for refusal.
Agency	42(6)	Power to agree to a longer prescribed consultation period.
Agency	43(3)	In the specified circumstances, power to refuse to deal with a later application to the extent it is for access to a document or documents sought under the first application.

Schedule 1

Entity Power Given To	Section of RIA	Description
Agency	43(3)(b)(ii)	Power to decide that the application is for a document to which this Act does not apply.
Agency	43(3)(b)(iii)	Power to decide that the document or documents sought are documents access to which was refused under section 47.
Agency	43(3)(c)(ii)	Power to decide that the application is for a document to which chapter 3 of the Information Privacy Act does not apply.

Part 5 - Decision

Entity Power Given To	Section of RIA	Description
Agency	45(a)	In the specified circumstances, power to make a considered decision : (i) whether access is to be given to the document; and (ii) if the access is to be given – whether any charge must be paid before access is given.
Agency	45(b)	Power to give the person written notice of the decision under section 54.
Principal Officer	46(2)	In the specified circumstances, power to give prescribed written notice of the decision to the applicant.
Agency	47(3)	In the specified circumstances, power to refuse access to a document of the agency.
Agency	48(1)	For an access application made for a document, power to decide to give access to the document unless disclosure would, on balance, be contrary to the public interest.
Agency	48(3)	Despite section 48(1), power to decide to give access to all or part of a document.
Agency	49(1)	For an access application made for a document, power to decide to give access to the document unless disclosure would, on balance, be contrary to the public interest.
Agency	49(3)	Power to consider on the balance, disclosure of information would be contrary to the public interest.
Agency	49(5)	Despite section 47(3)(b), power to decide to give access to all or part of a document.

Schedule 1

Entity Power Given To	Section of RIA	Description
Agency	50(1)	For an access application made for a document, power to decide to give access to the document unless disclosure would, on balance, be contrary to the public interest.
Agency	50(4)	Despite section 47(3)(c), power to decide to give access to all of part of a document.
Agency	51(1)	For an access application made for a document, power to decide to give access to the document unless disclosure would, on balance, be contrary to the public interest.
Agency	51(3)	Despite section 47(3)(d), power to decide to give access to all or part of a document.
Agency	52(1)(b)	Power to be satisfied that: (i) the document has been or should be in the agency's possession; and (ii) all reasonable steps have been taken to find the document but the document cannot be found.
Agency	52(2)	In the specified circumstances, power to consider the document has been kept in, and is retrievable from, the backup system.
Agency	54(1)	For the specified purposes, power to give a prescribed written notice to an applicant for an access application.
Agency	54(2)(g)(v)	Power to consider access would not be in the best interests of the child.
Agency	54(2)(g)(vi)	Power to consider that disclosure to the applicant might be prejudicial to the physical or mental health or wellbeing of the applicant.
Agency	55(2)	In the specified circumstances, power to give a prescribed written notice.

Part 6 - Charging Regime**Division 3 – Waiver of charges**

Entity Power Given To	Section of RIA	Description
Agency	64(1)	Power to consider that the likely associated costs to the agency would be more than the likely amount of the charge, and waive a processing or access charge.

Schedule 1

Entity Power Given To	Section of RIA	Description
Agency	66(2)	In the specified circumstances, power to decide to waive any processing charge, or access charge for the application.
Agency	66(3)	Power to give the applicant a prescribed written notice of a decision under subsection (2) before the end of the processing period.

Part 7 - Giving Access**Division 1 – Giving access to applicant**

Entity Power Given To	Section of RIA	Description
Agency	68(4)	In the specified circumstances, power to refuse access in a particular form and to give in another form.
Agency	72(1)	In the specified circumstances, power to defer giving access to a document for a reasonable period.
Agency	72(2)	Power to give the applicant written notice when access is no longer deferred under section 72(1).
Agency	73(1)	Power to reasonably consider whether information in a document is not relevant to the access application for the document.
Agency	73(2)	Power to delete irrelevant information from a copy of a document and give access to the document by giving access to a copy of the document with the irrelevant information deleted.
Agency	73(3)	Power to consider, from the terms of the application or after consultation with the applicant: <ul style="list-style-type: none"> (a) the applicant would accept the copy; and (b) it is reasonably practicable to give access to the copy.
Agency	74	In the specified circumstances, power to give access.
Agency	75	In the specified circumstances, power to give access.
Agency	76(2)	In the specified circumstances, power to consider whether it is consistent with the primary object of the Act to give the applicant, or a person nominated by the applicant and approved by the agency (an <i>intermediary</i>), a summary of the person information on conditions of use or disclosure agreed between the agency and the intermediary, or between the agency, the intermediary and the applicant.

Schedule 1

Entity Power Given To	Section of RIA	Description
Agency	77(2)	In the specified circumstances, power to direct that access to the document is to be given instead to an appropriately qualified healthcare professional nominated by the applicant and approved by the agency.

Part 8 - Internal Review

Entity Power Given To	Section of RIA	Description
Agency	83(1)	Power to decide an internal review application.
Agency	83(2)	Power to notify the applicant of the decision in the circumstances specified.
Principal Officer	83(3)	Power to give prescribed written notice of the decision to the applicant.

Part 9 - External Review**Division 3 – After application made**

Entity Power Given To	Section of RIA	Description
Agency	93(1)(b)	Power to apply to the commissioner to allow further time to deal with the access application.

Division 5 – Powers of information commissioner on external review

Entity Power Given To	Section of RIA	Description
Agency	99(2)	Power to give an additional statement to the commissioner and the applicant, containing further and better particulars of the reasons for the decision..

Part 11 - References of questions of law and appeals

Entity Power Given To	Section of RIA	Description
Participant in the external review	118	Power to request the commissioner refer a question of law arising on an external review to QCAT.

Schedule 1

Entity Power Given To	Section of RIA	Description
Participant in external review	119	Power to appeal to the appeal tribunal against the decision of the information commissioner on the external review.

SCHEDULE 4**Part 4 – Factors favouring nondisclosure in the public interest because of public interest harming disclosure**

Entity Power Given To	Section of RIA	Description
Prescribed entity	1(3)	Power to make an application to the information commissioner to extend the 10 year period if the commissioner considers the extension in the public interest.

Schedule 2

Limitations and Conditions to the Exercise of Power

1. The Chief Executive Officer may sub-delegate the powers contained in Schedule 1.
2. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, the delegate in exercising delegated power in relation to that matter, will only commit the Council to reasonably foreseeable expenditure up to the amount allocated.
3. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge adversely affects, or is likely to adversely affect, the Council's relations with the public at large.
4. The delegate will not exercise any delegated power in relation to a matter which has already been the subject of a resolution or other decision of the Council (including a policy decision relating to the matter).
5. The delegate will not exercise any delegated power in a manner, or which has the foreseeable affect, of being contrary to an adopted Council policy or procedure.
6. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
7. The delegate will not exercise any power which cannot lawfully be the subject of delegation by Council.

COUNCIL DELEGATIONS TO CHIEF EXECUTIVE OFFICER

Instrument of Delegation - Public Health Act 2005

Meeting Date: 23 September 2014

Attachment No: 10



INSTRUMENT OF DELEGATION

Public Health Act 2005

Under Section 257 of the *Local Government Act 2009*, **ROCKHAMPTON REGIONAL COUNCIL**, resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations and conditions contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Schedule 1

Public Health Act 2005 ("PHA")**CHAPTER 2 - ENVIRONMENTAL HEALTH****Part 2 - Roles of the State and Local Governments for Public Health Risks**

Entity Power Given to	Section of PHA	Description
Chief Executive Officer ('CEO')	14(1)	Power to agree with the chief executive that: a) the State do a thing in the administration or enforcement of this Act for a matter mentioned in section 13(1); or b) the local government do a thing in the administration or enforcement of the Act for a matter mentioned in section 12(1).
CEO	14(3)	Power to perform functions and exercise powers for this Act for a matter mentioned in section 12(1), including appointing authorised persons.
CEO	16(a)	Power to consult with the Chief Executive before the Chief Executive does a thing under Section 15(3).
Local Government	17(2)	Power to give the Chief Executive information about the local Government's administration and enforcement of the matter if asked by notice by the Chief Executive.
CEO	17(4)	Power to consult with the Chief Executive before giving notice under this section.

Schedule 1

Part 3 - Public Health Orders**Division 1 – Preliminary**

Entity Power Given to	Section of PHA	Description
CEO	22(2)	Power to consult the chief executive of the department in which the relevant one of those Acts is administered.

Division 3 - Enforcement of Public Health Orders

Entity Power Given to	Section of PHA	Description
Issuing authority	24(1)	Power to consider whether a person has contravened a public health order.
Issuing authority	24(2)	Power to apply to a magistrate for an order enforcing the public health order (an Enforcement Order).
Issuing authority	25(1)	Power to give a notice of hearing of an application.
Issuing authority	27(2)(b)	Power to enter a place to take reasonable steps to remove or reduce the risk to public health from the public health risk, or prevent the risk to public health from reoccurring, under orders made.

Schedule 1

Division 4 – Taking Steps Under Enforcement Order

Entity Power Given to	Section of PHA	Description
Local Government	32(3)	Power to lodge a request to register the charge in the appropriate form over the land the Registrar of Titles.
CEO	32(4)	Power to sign certificate stating there is a charge over the land under section 32.

Part 4 - Authorised Prevention and Control Programs

Entity Power Given to	Section of PHA	Description
Local government	36(5)	In the specified circumstances power to consult with the chief executive.
CEO	39(1)(a)	In certain circumstances, the power to agree.
CEO	39(1)(c)	In certain circumstances, the power to agree.
Water Service Provider	57B	Power to form a reasonable belief that the provider has complied with an improvement notice and power to inform the authorised person of the belief.

CHAPTER 3 – NOTIFIABLE CONDITIONS**Part 3 – Contact Tracing****Division 1 – Contact Tracing Officers**

Entity Power Given to	Section of PHA	Description
CEO	90(4)(a)	Power to agree to the appointment of an emergency officer (general) for declared public health emergencies under section 333 (1)(c).

Schedule 1

CHAPTER 8 – PUBLIC HEALTH EMERGENCIES**Part 5 – Appointment of emergency officers**

Entity Power Given to	Section of PHA	Description
CEO	333(3)	Power to agree to the appointment of a contact tracing officer for a notifiable condition under section 90(2).

CHAPTER 9 - MONITORING AND ENFORCEMENT**Part 1 – Authorised Persons**

Entity Power Given to	Section of PHA	Description
Administering Executive	376(2)	Power to give directions to an authorised person.
CEO	376(3)	Power to give directions to an authorised person for the area in which the authorised person is exercising the powers.
CEO	377(2)	Power to appoint an authorised person.
CEO	377(2)(b)	Power to agree with the CEO of another local government about the appointment of an employee of the other local government as an authorised person for the local government and its area.
CEO	377(3)	Power to appoint an employee of, or another person under contracts to, one of the local governments to be an authorised person for the local governments: Areas.
Administering Executive	378	Power to appoint a person as an authorised person.
Administering Executive	378(a)	Power to be satisfied the person is qualified for appointment because the person has necessary expertise or experience.
CEO/Administering Authority	379(1)(b)	Power to sign and to give the signed notice to the authorised person.
CEO/Administering Authority	379(2)	Power to sign and give the signed notice to an authorised person.

Schedule 1

Entity Power Given to	Section of PHA	Description
Administering executive	380(1)	Power to issue an identity card to each authorised person.

Part 2 - Powers of Authorised Persons**Division 1 - Entry of places**

Entity Power Given to	Section of PHA	Description
Issuing authority by its employees or agents	388(2)	In the specified circumstances power to at reasonable times, enter the place to take the steps stated in the order.

Division 2 - Procedure for entry

Entity Power Given to	Section of PHA	Description
Issuing authority	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.

Division 7 – Recovery of costs and expenses

Entity Power Given to	Section of PHA	Description
Local Government	407(3)	Power to lodge a request to register the charge in the appropriate form over the land with the Registrar of Titles.
CEO	407(4)	Power to sign certificate stating there is a charge over the land under section 407.

Schedule 1

Part 4 - Approved Inspection Programs

Entity Power Given to	Section of PHA	Description
CEO	427(1)	Power to approve a program (an <i>approved inspection program</i>).
CEO	440(1)	Power to give a certificate stating the matters in section 440.
CEO	440(4)	Power to issue a certificate stating the stated costs were incurred and the way in which, the purpose for which, they were incurred is evidence of the matters stated.
Local Government	446(1)	Power to deal with as considered appropriate a thing that becomes the local governments property.
Local Government	446(2)	Power to destroy a thing that has become the local governments property.

CHAPTER 11 – MISCELLANEOUS**Part 2 – Other provisions**

Entity Power Given to	Section of PHA	Description
CEO	458(2)	Power to approve forms for use by the local government under this Act.

Schedule 2

Limitations and Conditions to the Exercise of Power

1. The Chief Executive Officer may sub-delegate the powers contained in Schedule 1.
2. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, the delegate in exercising delegated power in relation to that matter, will only commit the Council to reasonably foreseeable expenditure up to the amount allocated.
3. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge adversely affects, or is likely to adversely affect, the Council's relations with the public at large.
4. The delegate will not exercise any delegated power in relation to a matter which has already been the subject of a resolution or other decision of the Council (including a policy decision relating to the matter).
5. The delegate will not exercise any delegated power in a manner, or which has the foreseeable affect, of being contrary to an adopted Council policy or procedure.
6. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
7. The delegate will not exercise any power which cannot lawfully be the subject of delegation by Council.

8.4 RENEWAL OF COUNCIL'S 2-WAY RADIO NETWORK

File No: 7527
Attachments: Nil
Authorising Officer: Ross Cheesman - General Manager Corporate Services
Author: Drew Stevenson - Manager Corporate and Technology

SUMMARY

The Coordinator Fleet Services has highlighted the operational shortfalls and risks of the current 2-way radio systems and proposes a whole of Council 2-way radio network.

OFFICER'S RECOMMENDATION

THAT the Committee approves:

1. The commencement of Stages 1 and 2 of Council's 2-Way Radio Network Renewal Project; and
2. The transfer of the required funds from the Plant Reserve to undertake Stages 1 and 2 of the project.

COMMENTARY

Rockhampton Regional Council's 2-Way radio network is made up of two separate radio technologies encompassing the former Fitzroy Shire Council (FSC) and the former Rockhampton City Council (RCC) legacy systems. There is no interoperability between the two systems due to the incompatible technologies / frequencies and both systems are nearing the end of useful life. The vendor for the RCC network has also advised that due to the age of the technology, they will no longer be able to support the system with spares and service repairs.

The replacement 2-Way Radio Network proposed in this report will provide an integrated whole of Council radio system permitting network-wide radio communications for normal day to day operations and during any disaster scenario within the region.

BACKGROUND**Council's Legacy Systems**FSC

The former FSC radio system is an 80MHz (VHF) system consisting of a single repeater supporting approximately 50 radios. The repeater is located at a POWERLINK site on Table Mountain, west of Gracemere. Annual lease fees (\$14,000) apply. The site is shared with several telecommunication and electricity providers. The repeater was renewed approximately 10 years ago and the age of the radios range from near new to 15 years old. Operational history suggests the system is stable, providing a satisfactory level of service; however the equipment and technology is nearing the end of its useful life.

RCC

The former RCC radio system is an 800MHz (UHF) trunked radio system consisting of five repeaters coupled to a site controller. The system currently supports 200 radios. The repeaters are located in the Communications Room at the Athelstane Reservoir Site; alongside the IT Data Recovery & Backup Systems.

The repeater equipment is approximately 16 years old and the age of the radios range from near new to 16 years old (majority over 12 years old).

MOTOROLA (manufacturer) has advised the repeater equipment and the majority of radio models are no longer supported by spares or service centre repairs. The past 12 months has seen component failures limiting system capacity. Given the system age and its

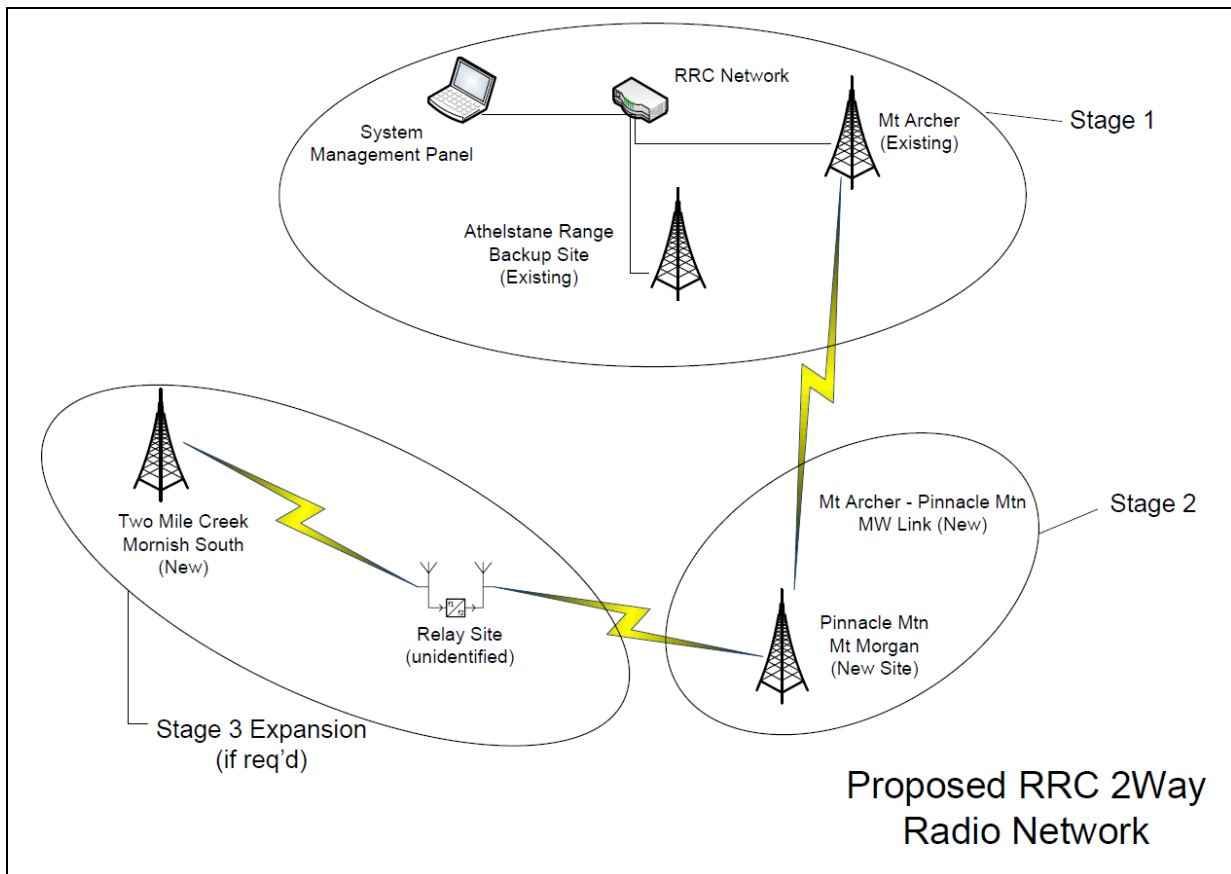
unsupported status, there is the risk that system failures may result in reduced service or complete loss of service.

Proposed 2-Way Radio Network Renewal

In 2009 (post-amalgamation), Council commissioned reviews of its radio communication needs, including system design, option estimates, and repeater site identification. This work resulted in capital budget submissions from 2010/11 onwards.

The de-amalgamation has resulted in the removal of significant parts (and radio infrastructure) of the proposed new radio system with 50% less coverage needed, and to a lesser extent, radio quantities (30%). The remaining coverage area consists of 2 primary repeater sites, a separate backup site and the option of a 3rd primary site depending on coverage needs as detailed:

- **Stage 1a** - Mt Archer Primary Repeater Site (FRW Comms Site) - existing site, 4 to 5 repeaters;
- **Stage 1b** - Athelstane Range Backup Site (IT & Radio Comms Site) - existing site & infrastructure with single repeater as backup;
- **Stage 2** - Pinnacle Mountain (Mt Morgan) Primary Repeater Site - greenfield site, 4 repeaters; and
- **Stage 3 (optional)** - Two Mile Creek (Mornish Sth) Repeater Site - greenfield site & depending on coverage requirements, 2 repeaters.



With the move to digital radio system technology providing better coverage & signal clarity, there are both open and proprietary protocol systems available that have been operating for 3 to 4 years. The available optional functionality includes GPS tracking, remote radio control for man down, limited data transfer, Smartphone access and SMS messaging.

This functionality is available via higher licensing fees as the technology platforms are built with the included features activated by purchasing the licence. This gives Council the ability to “buy” functionality without the cost of new “hardware”.

The system architecture is based around linked repeater sites that utilise IP addressing on Council's IT network. Additionally, this linking format provides for system administration access from any access point to Council's IT network and the link for smartphone access where these devices can be used to make radio calls.

It is noted that Stage 2 of the project provides for a microwave link to the Mt Morgan site which will become part of Council's IT infrastructure. This will enable the decommissioning of the current "fee for service" connection and provide sufficient capacity to allow video streaming for FRW's infrastructure security and SCADA requirements.

Consultation with Council users and management has been undertaken to determine radio system functionality requirements as below:

Requirement	Mandatory	Desirable	Nice to Have	Not Required
Primary Communication – Talk Group	✓			
Ability to stun lost radios		✓		
Citizen band channels				✓
One-to-one (private) calls		✓		
IP Telephony connectivity – incoming duplex phone calls only			✓	
Duplex voice communications				✓
Ability to leave voice message				✓
Intrinsically safe radios				✓
Battery life for greater than 8hour shift		✓		
Encryption of communication channels			✓	
High channel capacity		✓		
SMS services		✓		
GPS location tracking		✓		
Over the air reprogramming		✓		
Administration of system via remote IP access		✓		
Emergency alarm and priority, lone worker assist		✓		
Vehicle / portable repeaters (the ability of a vehicle mounted system to temporarily operate as a repeater providing network coverage in an area that does not have coverage)			✓	
Call recording			✓	
Smartphone access (iPhone app) for radio calls		✓		
Limited Data communications			✓	

Infrastructure Delivery Models

The infrastructure delivery models considered for the delivery of this 2-way radio infrastructure is grouped into the following options:

- 100% outsourced – no existing networks (public or private) are available for access in the coverage area. Plans for a whole of government radio network incorporating all emergency and safety services is many years away and is state government funding dependent. Private networks are not evident and would have to be built; or
- Council owns the radio frequencies and buildings, and contracts for the private sector to build and own the radio infrastructure only, ensuring security over frequencies and sites. Contracts would be required over 8 to 10 years where radio equipment ownership would revert to Council at the end of contract. Advantages in third party management of equipment but end of life condition would be low. Capital finance would be via private sector; or
- Council owns all frequencies and radio equipment – contract offered to supply and install with a 5 year service and maintenance contract. Provides for best security of equipment and tenure at sites while accessing the expertise of the contractor. Minimal Council overhead. Council provides capital funding.

Given the absence of a whole of government radio network in the next 5 to 7 years it is recommended Council adopt the “own & contract for service and maintenance” model as the most secure and cost effective method of providing a 2-way radio network for Council.

BUDGET IMPLICATIONS

Project Estimate

A project estimate has been prepared for the proposed system using projected cost estimates from the 2009 report as per the table below:

Stage ID	Site Description	No. Repeaters	Infrastructure	Repeater Equip	Site Interconnect	Total
1a	Mt Archer	5	\$10,000	\$70,000	\$15,000	\$95,000
1b	Athelstane Range	1	\$5,000	\$10,000	-	\$15,000
2	Pinnacle Mtn Mt Morgan	4	\$300,000	\$70,000	\$25,000	\$395,000
3	Two Mile Creek Mornish Sth	3	\$250,000	\$35,000	\$25,000	\$310,000
Radio Type		Qty	\$ per Unit			
Portable Radios		80	\$1,500			\$120,000
Mobile Radios		200	\$1,100			\$220,000
Total:- \$1,155,000						
			Stage 1	Includes 80% radios		\$382,000
			Stage 2	Includes 20% radios		\$463,000
Sub-total						\$845,000
			Stage 3	Optional		\$310,000
Total All Stages						\$1,155,000

Project Funding

Sufficient funds for this project have been identified in the Plant Reserve. It is proposed that funds be transferred from reserve to the capital budget as part of the revised budget process.

System Maintenance Costs

Based on historical information from the current system, the estimated annual maintenance budget allocation would be \$105,000 (similar amount to the current operational budget).

RISK ASSESSMENT

The risk rating if this project doesn't proceed is HIGH as the likelihood of the current system failing is *probable* due to the condition of the current former-RCC system, with the consequences *moderate* due to interruptions to service delivery, downtime costs and inability to meet Council's disaster management obligations.

The risk profile of undertaking the project is LOW, but noted are challenges around securing site tenure at Pinnacle Mtn (Mt Morgan). The challenges relate to obtaining clear survey data for easement(s) over the access track and negotiating tenure of the proposed site (State Land).

CONCLUSION

Due to the unreliable condition of the former RCC system that supports 80% of Council's 2-way radio fleet and the importance of a reliable radio network for Council to meet its disaster management obligations, it is recommended that Stages 1 and 2 proceed immediately, with the need for Stage 3 to be reviewed at the completion of Stages 1 and 2.

8.5 PROPOSED SERVICE LEVEL REVIEW PROJECT

File No:	1825
Attachments:	1. SLR Project Outline 2. WOC Services & Activities List
Authorising Officer:	Evan Pardon - Chief Executive Officer
Author:	Ross Cheesman - General Manager Corporate Services

SUMMARY

Council's consideration and endorsement of an in-house Service Level Review project is sought.

OFFICER'S RECOMMENDATION

THAT the Service Level Review Project be commenced and progressed in accordance with the report and identified priorities.

COMMENTARY

Due to various factors, including the de-amalgamation of Livingstone Shire Council, local government service provision expectations have increased resulting in increased pressures on Council. Given these pressures, it is proposed that Council commence a formal in-house review of service levels to ensure the right service is being delivered, at the right level, at the right price.

The timeframe for conducting the project is anticipated to range between 6 months and 2 years. Individual service reviews may last from as little as 6 weeks up to 2 years. The implementation of review recommendations will no doubt extend beyond that period.

BACKGROUND

Council previously embarked on a whole of council service review project in 2010. This project was managed by Council's Reform and Innovation unit with assistance from an external company, Morrison Low. Due to an organisational restructure in 2012, the Reform and Innovation unit was disbanded and the service review activities discontinued. As such, the complete project was never finalised.

Whilst some recommendations from the 2010 project were endorsed and implemented, due to a number of significant changes since this time it is considered that another in-house review would be appropriate.

The proposed project outline and approach has been developed based on the *SmartGov Service Level Review Manual*. This manual was designed to help councils conduct service reviews in-house and is based on international research with information drawn from over 70 reference documents and publications. The manual also incorporates findings from research undertaken for the Australian Centre of Excellence for Local Government (ACELG) and therefore it is considered that this document will assist Council to undertake the project in an effective manner. A number of Councils including Bundaberg Regional Council and Gladstone Regional Council are utilising this document to assist with their own service reviews.

PREVIOUS DECISIONS

The proposed project is yet to be considered by Council, however it is a draft KPI for the CEO. In addition Council's executive Leadership Team has endorsed the project outline attached to the report and have recommended a small number of services that will be reviewed initially as first priority. These priorities have been highlighted within attachment 2, however are also provided below:

- Parks Maintenance
 - Sport
-

- Waste Disposal
- Waste Collection

As the abovementioned services include a number of individual activities, Leadership Team recommended that the individual reviews broken down and undertaken at activity level. As such, the 'Street Trees' activity within the 'Parks Maintenance' service is proposed to be reviewed first.

BUDGET IMPLICATIONS

As the project will be undertaken in-house utilising existing resources, no budget allocation has been included within the current 2014/15 budget.

Any costs incurred as a result of this project (for example costs associated with communications and engagement) will be considered if/when relevant and addressed through the revised budget process.

STAFFING IMPLICATIONS

The proposed Service Level Review Project will be undertaken in-house utilising existing staff resources.

It is anticipated that staff apprehension for job security may become apparent if/when the project is commenced. To mitigate such concerns, CEO will address early in the process the issue of job security and will endeavor to communicate and engage with staff, media and the Joint Consultative Committee effectively throughout the process. The proposed communication considerations have been included within the attached outline.

CONCLUSION

As detailed within the report it is considered that the proposed Service Level Review Project will identify any areas for improvement to ensure the right service is being delivered, at the right level, at the right price. Subsequently, it is recommended that Council endorse the proposed outline and indicative priorities for review and the CEO be authorised to proceed in this regard.

PROPOSED SERVICE LEVEL REVIEW PROJECT

SLR Project Outline

Meeting Date: 23 September 2014

Attachment No: 1

RRC Service Level Review Project Outline

Contents

<u>1. Background</u>	2
<u>2. Service Review Methodology & Framework</u>	2
<u>3. Scope of Review Project</u>	3
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<u>5. Stakeholder Engagement</u>	6
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<u>8. Evaluation of Benefits/Monitoring</u>	9

1. Background

Local government service provision has transformed significantly over recent decades. Councils have moved beyond the traditional narrow emphasis on 'roads, rates and rubbish' towards broader objectives to promote the social, economic, environmental, and cultural wellbeing of communities. Additionally, council has undergone a major shift with the de-amalgamation of Livingstone Shire. The overall effect is that council must provide a greater range of services while endeavouring to meet higher standards, resulting in increased financial pressure.

Given these increasing pressures, council is embarking on a formal review to:

- respond to changing customer priorities and needs
- align the services with the council's vision
- review and optimise service levels
- reduce administrivia
- build staff capacity and skills
- help in determining the role of local government and its core business
- define statutory and non-statutory services, and to assess need for the non-statutory services
- consider the potential for divestment of services
- ensure services are financially sustainable in the long term.

The ultimate objective of the review is to ensure Council is delivering the right service, at the right level, at the right price.

2. Service Review Methodology & Framework

Council will approach the service level review in a detailed manner by reviewing each activity within Council's identified services. These individual activity reviews will be tailored (both in scope and processes) to meet their individual circumstances and objectives, whilst still delivering on the overall project objective. The reviews will be undertaken for specified services progressively in a systematic manner, in accordance with identified priorities. Both internal and external services will be covered, however a greater focus may be placed on discretionary or non-statutory activities. Service *delivery* will not be assessed as part of this project.

The timeframe for conducting the project is anticipated to range between 6 months and 2 years. Individual service reviews may last from as little as 6 weeks up to 2 years. The implementation of review recommendations will no doubt extend beyond that period.

As mentioned previously, the ultimate objective of the review is to ensure Council is delivering the right service, at the right level, at the right price. Following the conclusion of each of the individual reviews, Council will be presented with options and recommendations to consider in line with this objective. The endorsed recommendation will be communicated, implemented, monitored and evaluated by the relevant department going forward.

The framework for the review project is illustrated below.

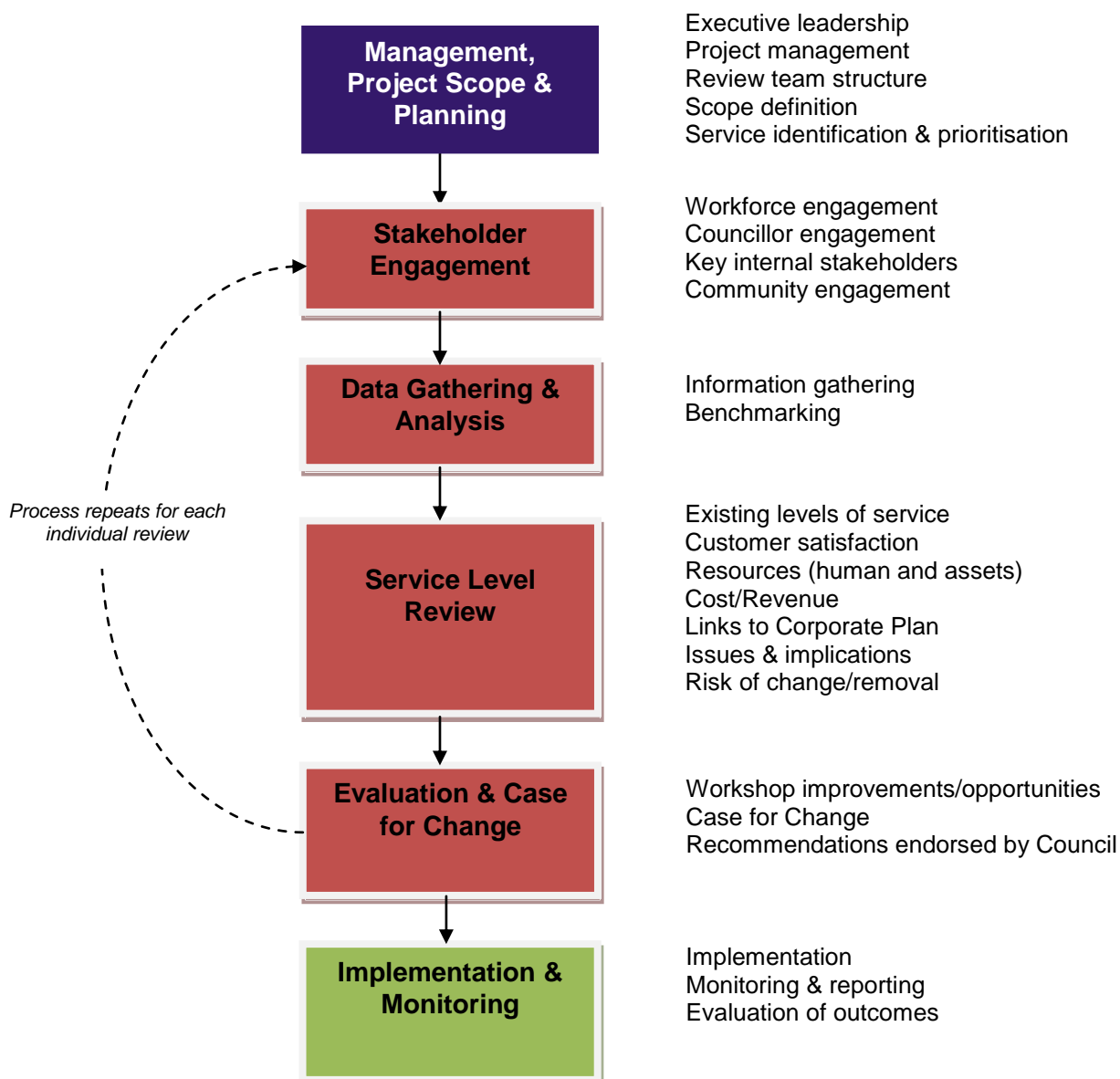


Figure 1 - Service Review Framework

3. Scope of Review Project

The Steering Group will define the scope of the overall service review project to identify its purpose, objectives and extent. This may include the following:

- The expected deliverables or outcomes to be achieved by the review
- Any identified opportunities to be explored or focused on in the review
- Any identified limitations of the review i.e. what the review is not to cover. This includes identifying any 'no-go' areas eg for political or industrial reasons
- Resource requirements (in addition to the Service Review Teams), eg tools, equipment, office space
- Budgetary requirements eg an allocation may be required for staff involved in the review

- Linkages with other projects that have a close relationship or overlap with the review project
- Level of engagement to be undertaken with various stakeholders including Councillors, management, workforce, community (residents, business, and facility users), and other levels of government (refer Section 5 for further engagement information).

4. Management & Resourcing Roles/Responsibilities

The reviews will be undertaken in-house, utilising council staff and teams. No budget allocation has been adopted for this project in the 2014/15 financial year.

By undertaking the review process in-house it is expected that Council staff will have a greater sense of ownership and control; not only in the process itself, but in the outcomes that are derived. However, to ensure project support and success, effective communication at all stages together with full commitment, support and contributions from all levels of staff and management will be essential from the project initiation. This is seen as **critical** to the successful implementation of the review outcomes.

Below is the structure for managing and resourcing Council's in-house service level review project.

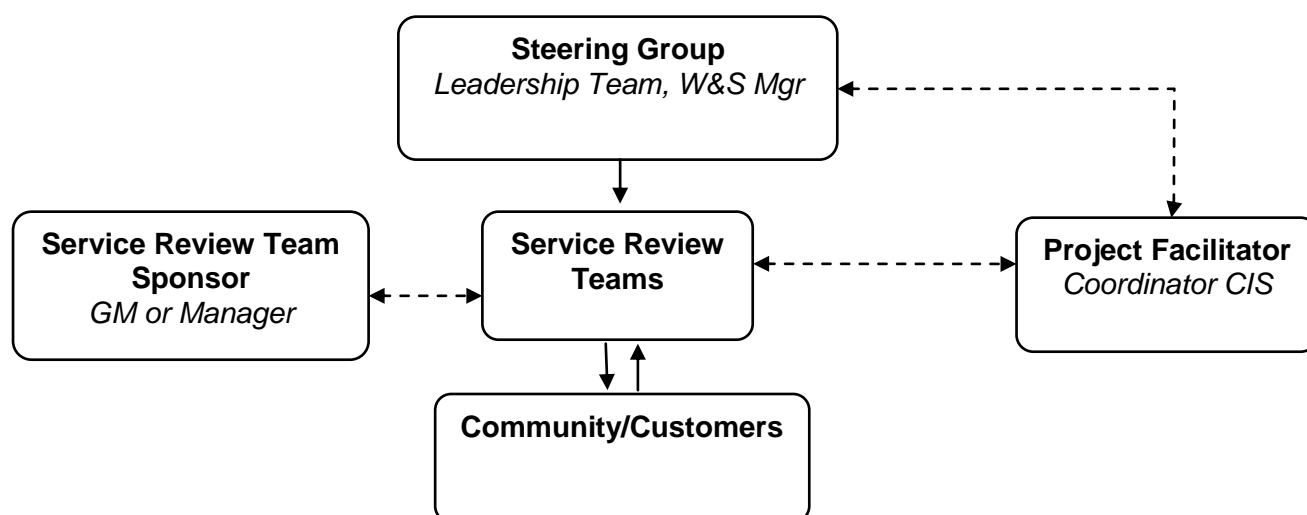


Figure 2 - Service Review Management & Resourcing Structure

Steering Group

The Steering Group is assigned the responsibility for providing overall direction and leadership for the service review project. This group comprises of the council's Executive Leadership Team and the Manager Workforce & Strategy. The Steering Group will:

- define the scope of the overall service review project,
- define the level of community and stakeholder engagement as well as ensuring council-wide commitment and support,
- prioritise reviews to be scheduled,
- set timeframes/deadlines,
- assign team sponsors,

- provide strategic input into service reviews, and
- endorse the final reports containing options and recommendations prior to Council's consideration.

Project Facilitator

The Project Facilitator will coordinate the overall service review project within the scope and deadlines set by the Steering Group. The role of the Project Facilitator will be to:

- schedule service reviews in accordance with the identified priorities
- recommend to the Steering Group the Service Review Team members
- work with Service Review Teams as required to provide direction, guidance and support, and review service Case for Change reports prior to submission to Steering Group,
- together with the Service Review Team Leader, present Case for Change reports to Council, and
- monitor and report on progress of the overall project delivery to the Steering Group as required.

Service Review Teams

Line managers and representatives from their teams will undertake the service reviews within their areas of responsibility, with oversight and guidance being provided by the dedicated team Sponsor and the Project Facilitator. The teams will generally comprise of 4 persons, however this may vary depending on the resources needed for each review. One of the team members will be nominated as the team leader. The team members will be recommended by the Project Facilitator in consultation with relevant section manager and will then be approved by the Steering Group.

The teams will be responsible for:

- refining the scope of the individual reviews to identify its purpose, objectives and extent,
- engaging with stakeholders,
- gathering information,
- benchmarking,
- investigating ideas and issues as they arise,
- facilitating workshops to explore, develop and analyse options,
- preparing a Case for Change including options and recommendations, and
- together with the Project Facilitator, the Team Leader will present Case for Change reports to Council.

Service Review Team Sponsor

A General Manager or Manager will be assigned by the Steering Group to each individual service level review as a Sponsor for each review team. The Sponsor will be from outside the area being reviewed and will have a high level of involvement with the team following the data gathering stage. The Service Review Team can call upon their Sponsor at any time throughout the process for guidance and strategic direction as appropriate. The role of the Sponsor is to:

- review the data gathered,
- provide fresh input and advice to staff,
- challenge the thinking and views of staff, and

- assist with the exploration, development and finalisation of options to be included in the Case for Change.

Community Groups/Customers

Community groups and customers will be consulted by individual Service Review Teams as required in order to facilitate an effective review.

5. Stakeholder Engagement

Effective engagement with a variety of key stakeholders is critical for the success of the service review project. As such, stakeholder engagement will be undertaken throughout the life of the project with various key stakeholder groups. The level and extent of engagement to be undertaken will be determined by the Steering Group prior to the commencement of the project and each of the individual service reviews. Below is an outline of the engagement that may be undertaken for the individual reviews.

Workforce Engagement

Gaining support and trust from the workforce ensures constructive participation throughout the process.

Workforce engagement covers a range of information sharing and consultation activities such as:

- Staff forums and presentations
- Workshops
- Newsletter articles
- Feedback and suggestion boxes
- Brainstorming sessions
- Internal surveys
- Individual interviews
- Team meetings.

At the commencement of the service review project, the CEO will communicate to the workforce and unions information about the project. As the service reviews progress, further communications will be delivered by CEO as necessary to reinforce the reasons for the review and provide opportunities for comment.

A significant issue that CEO will address early in the process is job security to mitigate any apprehension by staff and union representatives.

The methods used to facilitate staff engagement will vary with each individual review and will be dependent on the priority and size of the review, the number of staff involved, and the expected benefits from such engagement. The Governance Support section will assist with the internal communication and consultation processes throughout the project.

Councillor Engagement

Involving the elected council, not only in the decision to undertake a service review, but also in the process to be followed, is essential for an optimum outcome.

The elected Council will endorse the review project prior to commencing. Councillors will also be updated on progress through briefings or reports. Following

the completion of each individual service review, Council will be presented with a Case for Change that includes options and recommendations for consideration.

Key Internal Stakeholders

For each individual service review, key internal stakeholders will be identified and consulted. This is a narrower perspective than the broader workforce engagement covered above. These are specific staff who have a stake or interest in the service under review and who may be involved in or directly affected by the review. This includes subject experts who have a good working knowledge of the service.

Stakeholders are given the opportunity to participate in the review by providing suggestions, raising issues and discussing options. They may also assist the Service Review Team with gaining efficient access to information such as current outputs, service levels, legislative requirements, constraints, historical information, etc.

Community Engagement

Community engagement will be conducted to incorporate community needs in the review project, and to promote community understanding and ownership of the pressures that the council faces. The engagement does not replace, but rather complements, other forms of consultation with the local community.

The media will be informed of the service review project at an early stage to ensure that the processes and outcomes are communicated in a positive manner. This seeks to gain a level of community ownership of the council's challenges, and encourage participation in the process and the search for solutions.

Where the Steering Group advises not to directly engage with the community for individual service reviews, community needs may still be taken into consideration when formulating recommendations. This can be based on staff experience, interactions with members of the public, past customer satisfaction surveys, and previous consultation when developing strategic plans.

The Service Review Teams that are required to consult or collaborate with the community will liaise with the Governance Support section prior to the commencement of the review in order to enable effective engagement.

6. Evaluation & Case for Change

The intent of each service review will be to formulate options and recommendations to include within the Case for Change regarding the future provision of each service. As such, one of the following overarching recommendations will be made in relation to level of service:

- Exit from the service
- Provide a lower level of service
- Provide the same level of service
- Provide a higher level of service

If the service is to be retained, recommendations will identify any significant changes required to ensure value for money for the customers, i.e. ensure the service delivers the desired outputs and outcomes in the most efficient manner possible.

The implications associated with the recommendations will also be outlined, including the financial impacts. Consideration will be given to the financial and resource impacts in transitioning from the current to the proposed service arrangement. This includes identifying where short-term expenditure increases are required to achieve longer-term benefits. All resource impacts will be separated into human, physical and financial and clearly identified.

Where applicable, estimates of projected savings and/or increases will be included within the options and key recommendation. The savings/increases may be due to a reduction/increase in expenditure and/or revenue. Where recommendations will increase productivity or output but there will be no change in expenditure or revenue, the details should also be recorded.

Any recommended staff changes will be described in terms of full time equivalent positions (FTE). Recommendations for other additional resources such as assets will also be

Opportunities identified during the review process that were not able to be considered due to time constraints or other reasons will be recorded for future investigation.

The outcomes, options and recommendations for each review will be referred to the Steering Group for endorsement prior to consideration by Council. After the recommendations have been approved by Council, all stakeholders will be informed of the outcome and the responsibility for all actions thereafter including implementation, future progress reporting, etc. will pass to the relevant department General Manager.

7. Implementation of Recommendations

Following Council's approval of the Case for Change the relevant department will undertake actions necessary to implement the identified recommendations. For cross-departmental actions or specific major actions, implementation teams may need to be formed. Regular updates of the progress of implementation will be referenced within the standard monthly reports presented to the relevant committee.

Implementation activities and actions should be prioritised for delivery based upon the needs of the council and the resources (staffing and financial) available for the task. However, taking some "quick wins" in the early stages of the implementation project may demonstrate the benefits of having undertaken a service review and can be useful in energising staff for the tasks ahead, and for demonstrating the value of the process to the community and elected representatives.

8. Evaluation of Benefits/Monitoring

In order to introduce a level of accountability to the estimate of the benefits that are expected to flow from the implementation of the recommendations contained within the Case for Change, General Managers will provide progress reports to Council as appropriate. Such reports will inform Council of:

- The effectiveness of the implementation plans in delivering expected benefits;
- The actual savings achieved or income generated compared to estimates;
- The effectiveness of modified service levels in meeting community expectations;

- Any staff cultural or industrial issues or impacts.

PROPOSED SERVICE LEVEL REVIEW PROJECT

WOC Services & Activities List

Meeting Date: 23 September 2014

Attachment No: 2

Service	Indicative Activities	Unit	Priority	Timeframe	Comments
Airport	Management and maintenance of Terminal	Airport Facilities			
	Management and maintenance of Airside Assets & Facilities	Airport Operations			
	Management and maintenance of Carpark and other non airside Facilities				
	Airport property lease management				
Art Gallery	Art collection and exhibition management	Arts & Heritage			
	local and visiting exhibition presentation				
	Public Programs				
Buildline Certification	Assessment, inspections and certificates	Building, Plumbing & Drainage			
	Building over sewer assessments				
Cemetaries	Provide facilities for the interment of human remains; either ashes or body	Parks Recreation Services			
	Plaque/monument/memorial requests				
	Maintenance of cemetery grounds				
	Genealogy Cemetery restoration				
Child Care	Child Care - long day and occasional in accordance with Framework and Standards	City Child Care Centre			
Cleaning (City Image)	Clean-up illegal dumping	Rural Operations			
	Removal dead animals	Urban Operations			
	Street sweeping				
	Kerb and channel cleaning and repair				
	Removal abandoned vehicles				
	Vandalism repair Graffiti/Stop Program	Community Div/Parks Operations			
Community Aged Care Services	Aged Care	Home Assist			
	CQ Home Assist program delivery				
Community Development	LAMP program (funded activity)	Communities and Facilities			
	Disability Access Program				
	Community Program				
Community Safety	CCTV	Communities and Facilities			
	Public Safety Program				
Corporate Planning	Performance planning and management as required by legislation	CIS			
Corporate Assets	Asset statutory reporting compliance	Assets and GIS			
	Strategic Asset Management Plan (SAMP) development and review				
	Asset Management				
	Interface to custodians of non-current assets to ensure Asset Register and Management Plans are maintained				
Corporate Support	Agendas and minutes	Governance Support			
	Councillor support services				
	Corporate travel Manage civic related events				
Corporate Systems	Asset statutory reporting compliance	Assets and GIS			
	Strategic Asset Management Plan (SAMP) development and review				
	Asset Management				
	GIS system management, development, maintenance and support				
	Interface to custodians of non-current assets to ensure Asset Register and Management Plans are maintained Manage, support and develop Council's corporate financial system	Financial Systems			
Customer Service	Provision of primary customer interface with front counter services in Rockhampton, Gracemere, Mt Morgan	Customer Service			Half done with Propel
	Call centre				
	QCAP (Qld Govt Agency Program) services and facilitates park events and hall bookings				
	Rate Searches				
Design	Engineering survey and design of civil works undertaken by Regional Services and other departments as required	Civil Design			
Development	Manage DA's for MCU, reconfigurations of lots, operational works and building works assessable against planning scheme	Development Assessment			
	Applications assessment for reconfiguration of lots, MCU, and operational works as they relate to traffic, transport, stormwater, water supply and sewerage reticulation networks.	Infrastructure Operations			
	Pre-lodgement meetings and engineering advice				
	Manage infrastructure charges notices				
	Ensure compliance of all land use and development activities Development and implementation of traffic and road safety initiatives				
Development	Managing DA matters in Planning and Environment Court involving Council	Development Assessment			
	Negotiating decision notices				
	Compliance inspections relating to traffic, transport, stormwater, water supply and sewerage reticulation networks	Infrastructure Operations			
Disaster Management	Disaster Management	Engineering			
	SES operations				
Economic Development	Resource sector interaction, including development of GIA	Economic Development			
	Relations with public sector				
	Economic development for region				
Engagement and Community Planning	Events	Governance Support			
	Communications				
	Promotion				
	Corporate advice				
	Planning and engagement Priority Infrastructure Planning - Community Infrastructure				

Section	Indicative Activities	Unit	Priority	Timeframe	Comments
Environmental Management	Control declared pests, plants and animals on Council controlled land	Pest Management			
	Inspect and investigate declared pest activities and/or complaints	Vector Management			
	Conduit for State based requirements				
	Management of designated pests on Council controlled land				
	Inspect and investigate public health risk activities and/or complaints				
	Conduit for State based requirements				
Event Management	Major Council sponsored event and celebrations coordination	Events			
Facilities Management (RRC)	Delivery of minor capital projects	Communities and Facilities			
	Maintenance, cleaning and security for Council's building assets				
Finance	Management accounting/reporting	Revenue & Accounting			
	Long term financial forecasting				
	Budget preparation and reporting ensuring legislative and organisational requirements are met				
	Statutory financial reporting compliance				
	Treasury				
	Rating and water revenue management				
	Taxation compliance				
	Manage, support and develop Council's corporate financial system				
Footpaths and Cycleways	Construction and maintenance of footpaths	Urban Operations			
	Construction and maintenance of cycleways				
GIS	GIS system management and development	Assets & GIS			
	GIS System support				
Governance	Policy coordination	GS			
	Delegations and authorisations coordination				
Grants and Sponsorship	Community grants scheme	Communities & Facilities			
	Sponsorship				
	RADF	Arts & Heritage			
Heritage Activities	Heritage site management and interactive exhibition	Heritage Services			
	Shearing Shed event management				
Human Resources	Consultancy services to ensure compliance with legislation and Council policies, procedures and objectives	Workforce Relations			Completed in 2012, reported to Council 20
	Recruitment and retention				
	Reporting				
	Organisational development				
	Industrial relations support				
Information Technology	Acquire, manage and support information and communication technology equipment and services	Information Systems			
	IT Service Desk				
	Corporate applications				
	Managed network services				
	IT project management				
	Telephony (fixed and mobile)				
Infrastructure Planning	Investigation and planning of new and upgraded:	Strategic Infrastructure			
	roads				
	pathways				
	cyclepaths				
	public transport				
	stormwater				
	floodplain management				
	reticulated water supply - network modelling				
	sewerage networks - network modelling				
	Traffic data				
	Provision of engineering advice				
	Trunk infrastructure planning for a Priority Infrastructure Plan				
Development and implementation traffic and road safety initiatives					

Service	Indicative Activities	Unit	Priority	Timeframe	Comments
Insurance Management	Process insurance claims	Property Insurance			
Internal Audit	Internal Audit Investigations	Internal Audit			
Investigation	Internal investigations Award/Agreement interpretation Management of relationship with CMC Ethics and integrity (including administrative action complaints) Complaint referrals to state government	Workforce Relations			
Land Use Planning	Plan to ensure adequate provision of essential infrastructure, services and community amenities Develop city-building goals and create associated partnerships and initiatives to implement Apply strategic planning best practices Facilitate active dialogue and engagement with community on important planning issues Monitor growth demands, changing demographics and lifestyle choices, other govt requirements to enable optimal land use planning Develop land use policies and advise on preferred settlement patterns Maintain and implement Planning Scheme Environmental initiatives Planning assessment Develop Local Government Infrastructure Plan development (LGIP) with associated infrastructure charges schedule Priority Infrastructure Plan development (inc infrastructure charges schedule) in collaboration with Strategic Engineering unit	Strategic Planning			
Library	Home delivery Library management - North Rton, South Rton, Mt Morgan Provision of programs and spaces for recreation, information, literacy development, learning and social connection Local and family history Collections Provision of programs and spaces for recreation, information, literacy development, learning and social connection	Client Services Collection & Systems			
Local Law	Enforces State Government Acts and Local Laws in relation to: environmental nuisances animals overgrown land signage parking illegal use of Council land	Local Laws/Operations			
Marketing/Media	Staff newsletters and bulletins Advertising Public Relations Branding Promotion and design Media releases and editorials Website management Brand and Marketing events signage Communications to promote community awareness	Governance Support Urban Operations Regional Services Directorate			
Parks Maintenance	Mowing/grass maintenance Street trees Parks and landscape strategy Amenity and cleansing in high use urban areas Playground management Collection and disposal of bins Contracted services Botanic Gardens Kershaw Gardens Horticulture amenity	Parks Operations			Possible Priority 1 review
Payroll	Provision of payroll service	Workforce Relations			Review previously completed by Internal A
Plant and Fleet Management	Manage fleet, plant and equipment assets Mechanical engineering maintenance Metal fabrication Metal machining and turning	Fleet			
Plumbing and Drainage Certification	Assessments, inspections and certificates Ensuring compliance of all land use and development activities Building over sewer assessments	Building, Plumbing & Drainage			
Pool	Procure consumables/equipment for pool operations Oversee management of pools by contracted operator as per their agreement with Council Liaise with swimming and general community regarding their facility needs and current standards Facility maintenance and upgrades	Parks Recreation Services			
Procurement	Ensure well governed and disciplined procurement activities Inventory management Accounts Payable Contracts & Tenders Centralised purchasing on for FRW, Civil Ops and RRWR	Procurement and Logistics			
Property Management	Negotiate and establish formal leases arrangements Land resumptions Acquisitions and sales	Property Insurance			
Public & Environmental Health	Development assessments Health safety licensing, registration and inspections Health Safety Consulting Services Food safety training Health investigations EPA compliance Environmental health management plan Community Health Plan Programs Conduit for State based requirements	Health & Environment			

Service	Indicative Activities	Unit	Priority	Timeframe	Comments
Records Management	Management of Council records to meet legislative requirements and improve business processes	Information Systems			
	Incoming and outgoing mail processing				
	Coordinate RTI/IR processes				
	Archival management				
Risk Management	Enterprise risk management	Property Insurance			
Roads and Bridges	Construction and maintenance of sealed and unsealed road pavements	Rural Operations			
	Construction and maintenance of bridges	Urban Operations			
	Construction and maintenance of stormwater drainage systems				
	Construction and maintenance of guardrail				
	Construction and maintenance of guideposts				
	Construction and maintenance of linemarking				
	Construction and maintenance of traffic signals				
	Gravel Supply – Heavy Formation Grading				
	Tractor slashing - rural roads only				
	Street lighting				
	Street sweeping				
	Clean-up illegal dumping				
	Road and street signs				
	Removal dead animals				
	Delineators				
	Grazing permits - rural roads				
	Works on road reserve permits				
	NHR Load Permits				
	Rural fire permits				
	Rural addressing				
	Gates and Grid Permits				
	Urban addressing				
Rockhampton Regional Technology Centre (previously COIN)	Commercial training	Collections and Systems			
	Community training				
	Public access				
	Council training and skills assessments				
Safety Management	Safety management system management (inc. hazard inspections, audits, first aid program, fire evacuation and chemical)	Safety and Training			
	Workers compensation rehabilitation and non work related rehabilitation				
	Functional capacity evaluations				
	WH5 contractor systems and education				
	Employee assistance program				
Education programs (take 5's and safety alerts)					
Sewer	Construction	Treatment and Supply			Possible Priority 2 review
	Operation and maintenance of sewage treatment	Network Services			
	Strategic Asset Management Plan (SAMP) Development & review (no longer required under WSSR Act; Local Govt Act apply)				
	Performance reporting and compliance (state and federal)				
	Asset management				
	Capital works program				
	GIS development and maintenance (provision of as-cons and asset data updates)				
	Financial services (provided by Finance)	Finance			
	Corporate reporting				
	Demand management				
	Trade waste licensing				
	Septage receipt				
	Bio-solids production and disposal				
	Effluent re-use				
	Construction and maintenance of trunk and reticulation sewerage pipe network				
New sewerage connections					

Service	Indicative Activities	Unit	Priority	Timeframe	Comments	
Sport	Assist clubs and associations to deliver structured sport activities and competitions	Parks and Recreation Services			Possible Priority 1 review	
	Maintain interface between all levels of government					
	Sport and recreation planning					
Stormwater	Construction and maintenance of stormwater drainage systems	Rural Operations				
		Urban Operations				
Training	Compliance training	Safety and Training				
	Trainees and apprentices					
	Skills audit/TNA					
	Provide internal expert advice on training matters					
Venue Management	Venue management - Pilbeam Theatre	Venue Operations				
	Venue management - WRCC					
	Venue management - Rton Showgrounds					
	Food, beverage, ticketing and production					
	Delivery of See It Live Theatre program					
Waste Disposal	Provision and management of waste and recycling transfer and disposal facilities and drop off points	Waste Operations			Possible Priority 1 review	
	Management of business and community information and the implementation of educational programs					
	Provision of Material Recycling Facilities (MRF) - MRF is privately owned and Waste Services has provided access to this facility via a contract					
	Bulk Haulage of Waste from Waste Transfer Stations to Landfills and MRF					
Waste Collection	Provision of kerbside collection from domestic and some commercial premises within declared areas	Collections			Possible Priority 1 review	
	Administer kerbside recycling collections contract					
Water	Water resource planning	Treatment and Supply			Possible Priority 2 review	
	Construction	Network Services				
	Operation and maintenance of water treatment, supply and storage assets					
	Strategic Asset Management Plan (SAMP) Development & review (no longer required under WSSR Act; Local Govt Act apply)					
	Performance reporting and compliance (state and federal)					
	Asset management					
	Capital works program					
	GIS development and maintenance (provision of as-cons and asset data updates)					
	Financial services (provided by Finance)	Finance				
	Annual price modelling for water charging					
	Corporate reporting					
	Demand management					
	Drinking water and environmental compliance reporting					
	Water quality monitoring					
	Construction and maintenance of trunk and reticulation water pipe network					
	Water meter reads					
	New water connections					
	Administration of irrigator contracts					
	Zoo	Zoo management and maintenance	Parks and Recreation Services			Possible Priority 1 review
	TOTAL SERVICES COUNT					61

9 STRATEGIC REPORTS

9.1 CORPORATE SERVICES DEPARTMENT - MONTHLY OPERATIONAL REPORT

File No:	1392
Attachments:	1. Workforce & Strategy Monthly Report - August 14 2. Corporate & Technology Monthly Report - August 14 3. Finance Monthly Report - August 14
Authorising Officer:	Evan Pardon - Chief Executive Officer
Author:	Ross Cheesman - General Manager Corporate Services

SUMMARY

The monthly operations report for the Corporate Services department as at 31 August 2014 is presented for Councillor's information.

OFFICER'S RECOMMENDATION

THAT the Corporate Services Departmental Monthly Operations Report as at 31 August 2014 be 'received'.

COMMENTARY

The General Manager's performance summary for each Section is provided below.

Finance

August has seen the completion of the financial statements being presented to Audit & Business Improvement Committee. They are included as a separate report to this agenda. In addition to this data has been forwarded to QTC to analyse as part of the Credit Review. The next step will be the presentation of certain information to their representatives.

Workforce & Strategy

Award Modernisation and the new certified agreement are two major projects impacting the section. Further detail is included in the body of the report to note that there however planning has been progressing and the JCC advised accordingly. It is pleasing to note that there were no lost time injuries incurred across Council in August.

Corporate & Technology

Customer Service staff have been kept busy during the month with animal registration and rates being topical as well as dealing with some illness within the team. IT continue to review its project priorities for the year.

CONCLUSION

It is recommended that the monthly operations report for the Corporate Services department as at the 31 August 2014 be received.

**CORPORATE SERVICES
DEPARTMENT - MONTHLY
OPERATIONAL REPORT**

**Workforce & Strategy Monthly Report -
August 14**

Meeting Date: 23 September 2014

Attachment No: 1

MONTHLY OPERATIONS REPORT
WORKFORCE AND STRATEGY SECTION
Period Ended 31 August 2014

VARIATIONS, ISSUES AND INNOVATIONS***Innovations***

Poor performance was highlighted in the recent staff survey as something we can do better. Work is set to commence on the development of a Performance Management Training Program which will further support our supervisory staff in undertaking these sometimes difficult conversations and processes. It is anticipated that this training will be rolled out in the new year. This program will further enhance the current Leadership Training Program.

Improvements / Deterioration in Levels of Services or Cost Drivers

Nil to report.

LINKAGES TO OPERATIONAL PLAN

1. COMPLIANCE WITH CUSTOMER SERVICE REQUESTS

The response times for completing the predominant customer requests in the reporting period for Workforce and Strategy are as below:

	Incomplete Requests as at Start of Mth		Current Month NEW Requests		TOTAL INCOMPLETE REQUESTS BALANCE	Under Long Term Investigation	Completion Standard (Days)	Avg Completion Time (days) Current Month	Avg Completion Time (days) 6 Months	Avg Completion Time (days) 12 Months	Avg Duration (days) 12 Months (complete and incomplete)
	Balance B/F	Completed in Current Mth	Received	Completed							
W&S Complaints Managements Process (NOT CSO USE)	2	2	2	2	0	0	30	1.50	8.65	6.58	5.95

COMMENTS

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2. COMPLIANCE WITH STATUTORY AND REGULATORY REQUIREMENTS INCLUDING SAFETY, RISK AND OTHER LEGISLATIVE MATTERS

Safety Statistics

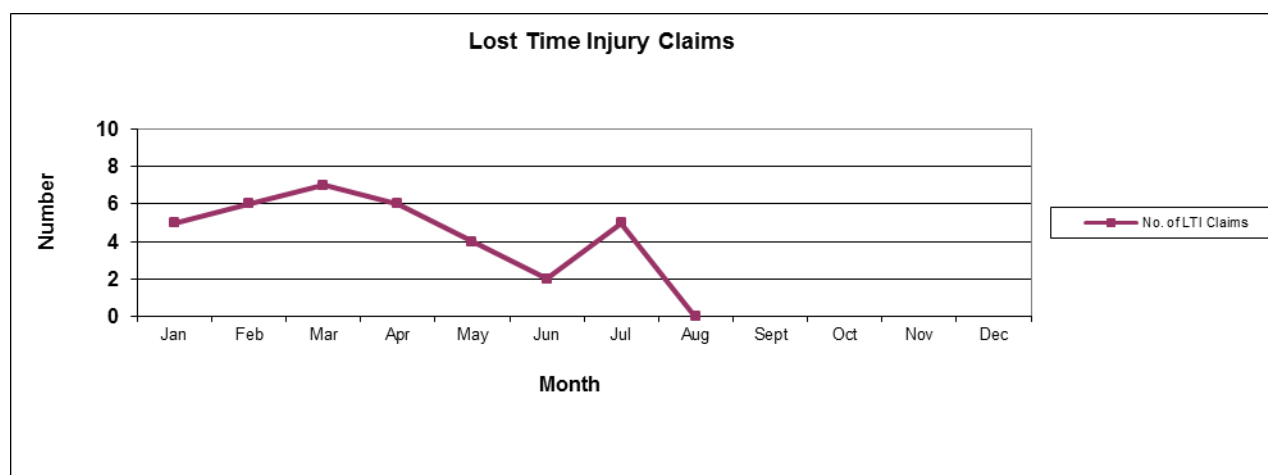
The safety statistics for Workforce & Strategy in the reporting period are:

	July	August	September
Number of Lost Time Injuries	0	0	
Number of Days Lost Due to Injury	0	0	
Total Number of Incidents Reported	0	1	
Total number of Incomplete Hazard Inspections	0		

The safety statistics for All of Council in the reporting period are:

	July	August	September
Number of Lost Time Injuries	5	0	
Number of Days Lost Due to Injury	55	23	
Total Number of Incidents Reported	23	16	
Total number of Incomplete Hazard Inspections	22 (5 -August)		

The graph below displays the number of lost time injuries (LTI) claims lodged across Council. There was a total of zero lost time injury claims lodged for August 2014.



Risk Management Summary

Example from Section Risk Register (excludes risks accepted/ALARP)

Risk	Current Risk Rating	Future Control & Risk Treatment Plans	Due Date	% Comp	Comments
Corporate Risks					
A legislatively compliant SafePlan is not implemented, monitored and reviewed effectively, for the whole of council, its workers and contractors, to achieve the acceptable compliance level with annual WH&S audits resulting in: increased worker injuries, legislative breaches/legal action, reputational damage, reduced service levels, increased costs and non-compliance with a key council objective.	Low	<p>Ongoing annual audits will be conducted.</p> <p>Continuing to rectify the actions from the 2011 Workplace Health & Safety System Audit.</p> <p>Third Party Workplace Health & Safety system audit due in October 2014.</p> <p>Rectifications resulting from the Workplace Health & Safety system audit will be addressed and assessed in the annual internal audit of the Workplace Health & Safety systems.</p>	October 2014	80%	Audit will be conducted in November 2014
Section Risks					
Council's rehabilitation & injury management procedures cannot achieve lost time injury rate reductions, increasing injury claims & insurance premiums.	Low	Finalise development of the Leadership Training Program and complete 1st round of training.	Ongoing	100%	35 supervisory staff have completed training. Round 3 has commenced.
Supervisory and managerial staff not having the skills and knowledge of Council's HR Policy and Procedures resulting in litigation, industrial disputes, poor recruitment practices and	Moderate	Finalise PEP Project. (1) Policy Enhancement Project currently underway to ensure policy coverage while	30 June	100%	Project completed in early 2014.

Risk	Current Risk Rating	Future Control & Risk Treatment Plans	Due Date	% Comp	Comments
outcomes, legislative breaches, inappropriate managerial action.		adopting contemporary best practice. Finalise development of the Leadership Training Program and complete 1st round of training.	31 May		35 supervisory staff have completed training. Round 3 has commenced.
Council's payroll function fails to accurately record and process employee wages and entitlements resulting in an inability to pay employees on time and accurately, potential employee dissatisfaction, Industrial disputes, financial impacts and reputation damage.	Moderate	Multiskilling of Administration and HR staff	Ongoing	80%	Informal multiskilling program in place.

Legislative Compliance & Standards

Legislative Compliance Matter	Due Date	% Completed	Comments
Prepare and adopt annual operational plan	27 June 2014	100%	Plan adopted at Special Council meeting 27 June 2014 and has been uploaded on Council's internal and external websites.
Quarterly written assessment of progress towards implanting the current annual operational plan	29 July 2014	100%	2013/14 Q4 review results presented to Performance and Services Committee 29 July 2014.
Report on the results of the annual implementation of the annual operational plan	26 August 2014	100%	The results are included with the Q4 review results in a single report to Performance and Services Committee 29 July 2014.
Update of Workplace Health & Safety documents to meet the new legislative requirements	30 June 2014	80%	Documents continue to be updated so that Council remains compliant
Report breaches of the Workplace Health & Safety Act and Regulation as necessary to the division within specified legislative timeframes	As soon as practicable	100%	Council has been compliant in this regard for the current reporting period

Legislative Compliance Matter	Due Date	% Completed	Comments
Workplace Health and Safety Audit	November 2014	0%	LGW have been booked to conduct the audit in November 2014
Rectification Action Plan	As soon as practicable	90%	Continuing to rectify the actions from the 2011 Workplace Health & Safety System Audit.
WHS Infringement Notices issued to Council are remedied within required timeframes	As per notice	100%	No current notices to report
Performance Reviews	Various		<p>All performance reviews for the period July 2013 to June 2014 were due to Workforce & Strategy 29 August 2014.</p> <p>82 out of 491 performance reviews are yet to be completed.</p>
Outdated employee immunisations, tickets, and/or licenses	Various	-	<p>As at 31 August 2014 Council records indicate that 371 employees are still to complete immunisations deemed necessary for their roles.</p> <p>134 Employees are required to provide proof of renewal of their license/tickets.</p>
Outdated legislative compliance mandatory training and/or qualifications	Various	-	<p>As at 31 August 2014 Council records indicate the following overdue or outdated cases:</p> <ul style="list-style-type: none"> - 44 Fire & Evac - 555 Cracking the Code - 2 Confined Space - 7 CPR - 4 Safe Working Near Exposed Live Parts - 1 Self-Contained Breathing Apparatus - 17 Traffic Management - 15 Power of Entry - 5 Apply First Aid -

Legislative Compliance Matter	Due Date	% Completed	Comments
			Initial/Refresher - 5 Low Voltage Switchboard Rescue & CPR Refresher

3. ACHIEVEMENT OF CAPITAL PROJECTS WITHIN ADOPTED BUDGET AND APPROVED TIMEFRAME

No capital projects are relevant to the Workforce and Strategy Section.

4. ACHIEVEMENT OF OPERATIONAL PROJECTS WITHIN ADOPTED BUDGET AND APPROVED TIMEFRAME

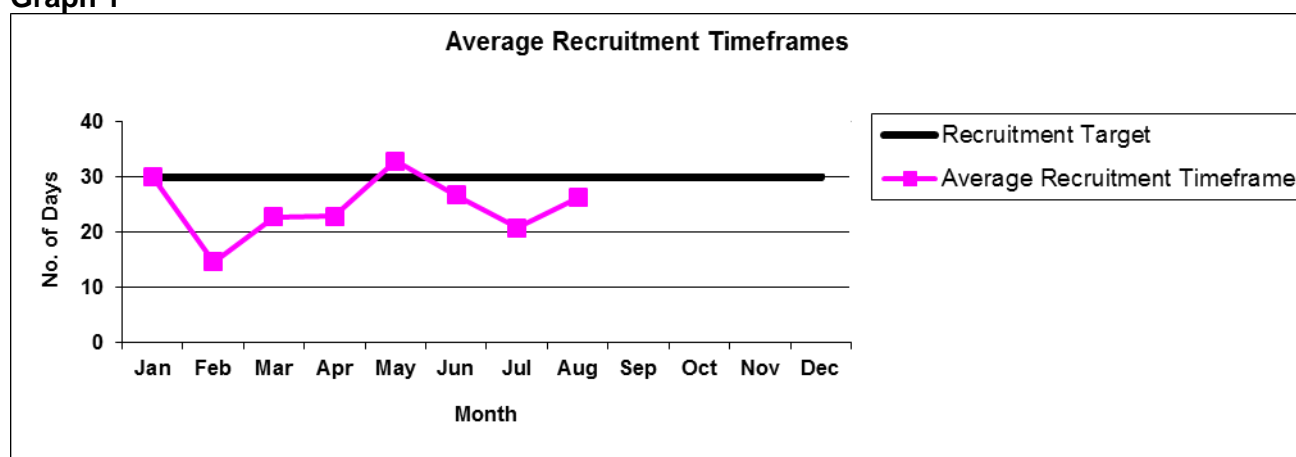
As at period ended August 2014 – 16.7% of year elapsed.

Project	Explanation
Award Modernisation	<p>The final Exposure Draft for Local Government was released on 27 August. The matter has been set for arbitration before the Full Bench on 20 and 21 September. The Attorney-General and Minister for Justice has provided a Variation Notice to the Queensland Industrial Relations Commission indicating that the Modern Award for Local Government must be finalised by 30 September 2014. The process for arbitration has commenced with the QIRC providing dates for objection submissions to be supplied.</p> <p>Council continues to be an active participant with the LGAQ in providing submissions and relevant evidence to support objections for arbitration.</p>
Certified Agreement Negotiations	<p>Certified Agreement negotiations are due to commence next month, a strategy and plan has been prepared. Various working teams have been established along with a schedule of keys dates. The final outcomes for the award modernisation process will have a major impact on the preparation for the Certified Agreement negotiations.</p>

5. DELIVERY OF SERVICES AND ACTIVITIES IN ACCORDANCE WITH COUNCIL'S ADOPTED SERVICE LEVELS

Service Delivery Standard	Target	Current Month's Performance
Recruitment positions finalised within 30 working days (refer Graph 1 below)	100%	67%
Policies reviewed within 10 working days	100%	100%
Acknowledge job applications within 2 working days of the advertising close date. (as per policy/procedure)	100%	100%
Employee pays processed and paid within 3 working days after the period end date	100%	100%
Payroll accuracy	100%	99.86%
Hazard Inspections completed as per the adopted Matrix	100%	100%

Graph 1



Establishment

Establishment	1 Jan 14	July 14	August 14
	FTE Positions	FTE Positions	FTE Positions
Workforce & Strategy	30.05	30.27	30.27
Council	838.9	831.69	831.69

FTE Positions is the total full time equivalent positions approved and recorded in Aurion excluding casual positions and including approved vacancies.

The FTE positions of 831.69 as at August 2014 includes the following apprentices and trainees across Council:

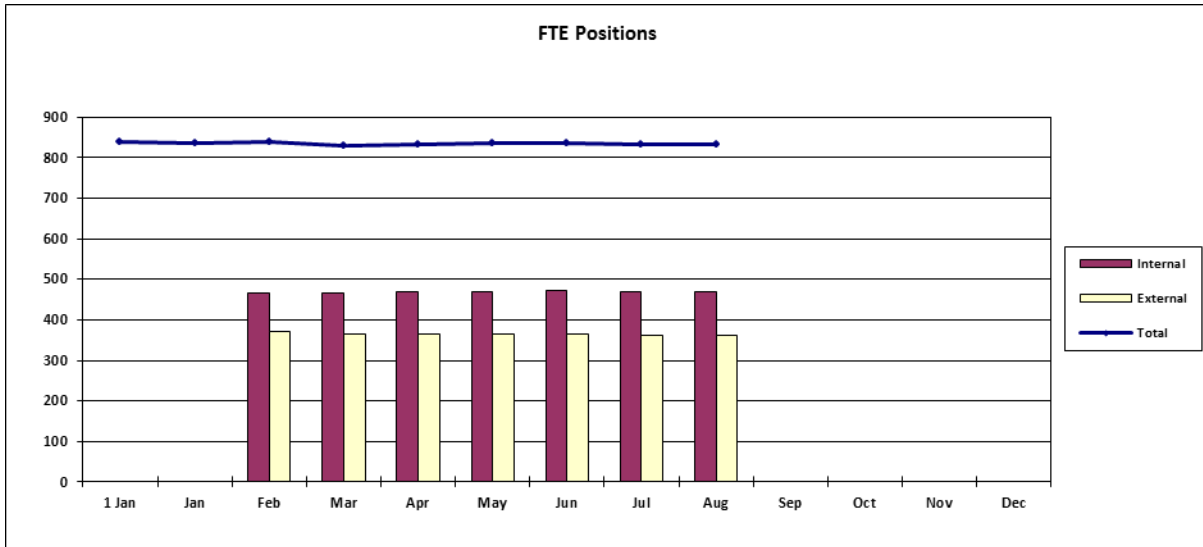
Apprentices	Trainees
13	9

Changes to Establishment

There are no changes to the Establishment to report for the month of August.

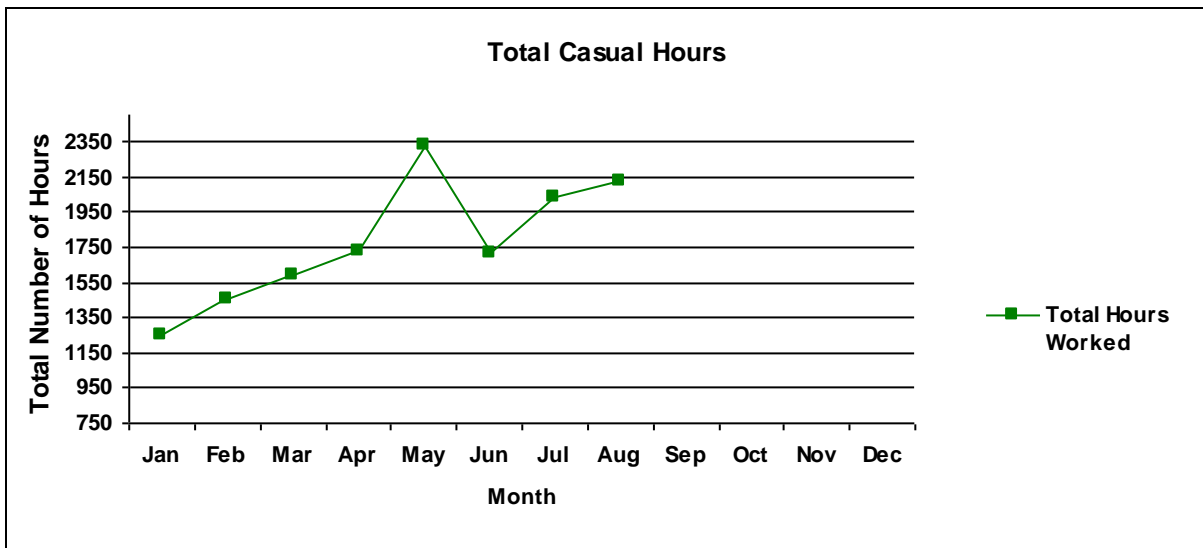
FTE Positions (excluding Casuals & including Vacant Positions)

The following graph shows approved full time equivalent positions. These figures include vacant positions but exclude casuals. The percentage split is 56% internal and 44% external.



Casual Hours – August 2014

There are currently a total of 56 casuals actively employed by Council of which 44 were engaged during the reporting period. The engaged casual employees collectively have worked the total number of 2130.58 hours.



6. FINANCIAL MATTERS

Financial performance as expected for reporting period.

WORKFORCE & STRATEGY	Adopted	Revised	Commit +	Variance	On target
	Budget	Budget	Actual	%	16.7% of Year Gone
	\$	\$	\$		
<i>Workforce & Strategy</i>					
Expenses	328,610	0	49,298	15%	✓
Total Unit: Workforce & Strategy	328,610	0	49,298	15%	✓
<i>Corporate Improvement & Strategy</i>					
Revenues	(3,500)	0	(673)	19%	✓
Expenses	477,643	0	74,972	16%	✓
Transfer / Overhead Allocation	13,500	0	1,591	12%	✓
Total Unit: Corporate Improvement & Strategy	487,643	0	75,890	16%	✓
<i>Human Resources</i>					
Expenses	1,712,914	0	222,625	13%	✓
Transfer / Overhead Allocation	8,700	0	1,004	12%	✓
Total Unit: Human Resources	1,721,614	0	223,628	13%	✓
<i>Safety & Training</i>					
Revenues	(37,000)	0	(19,580)	53%	✓
Expenses	1,221,316	0	239,722	20%	✗
Transfer / Overhead Allocation	65,000	0	8,316	13%	✓
Total Unit: Safety & Training	1,249,316	0	228,458	18%	✗
Total Section: WORKFORCE & STRATEGY	3,787,183	0	577,275	15%	✓
Grand Total:	3,787,183	0	577,275	15%	✓

CORPORATE SERVICES DEPARTMENT - MONTHLY OPERATIONAL REPORT

Corporate & Technology Monthly Report - August 2014

Meeting Date: 23 September 2014

Attachment No: 2

MONTHLY OPERATIONS REPORT
CORPORATE & TECHNOLOGY SECTION
Period Ended August 2014

VARIATIONS, ISSUES AND INNOVATIONS**Section Update**RTI / IP Application Status:

Three new applications were received under the Right to Information Act in August; two others were completed, leaving two outstanding applications. All applications were completed within legislated timeframes. No documents were released administratively this month and no external reviews were received. There are still two external reviews outstanding. All current applications are progressing in accordance with legislative timeframes.

Status of major land sales:

Settlement effected and Lease Conditions finalised relating to the sale of part of Lot 10, 105 Clifton Street.

Innovations

Paid parking at the Pilbeam Theatre and Alma Street car parks is anticipated to be operational on Monday 29 September 2014. Signage and the paid parking ticket machines will be installed in the last two weeks of September.

Improvements / Deterioration in Levels of Services or Cost Drivers

Nil to report

LINKAGES TO OPERATIONAL PLAN

1. COMPLIANCE WITH CUSTOMER SERVICE REQUESTS

The response times for completing the predominant customer requests in the reporting period for *August 2014* are as below:

	Balance B/F	Completed in Current Mth	Current Month NEW Request		TOTAL INCOMPLETE REQUESTS BALANCE	Under Long Term Investigation	Completion Standard (days)	Avg Completion Time (days) Current Mth	Avg Completion Time (days) 6 Months	Avg Completion Time (days) 12 Months	Avg Duration (days) 12 Months (complete and incomplete)
			Received	Completed							
Accounts Payable Enquiry	0	0	1	1	0	0	2	● 0.00	● 1.50	● 1.20	0.55
Bookings Enquiry	0	0	1	1	0	0	3	● 0.00	● 2.63	● 2.34	1.67
Insurance: Mower / Slasher / Whipper / Snipper	3	1	2	0	4	0	90	● 0.00	● 21.00	● 28.56	22.00
Insurance: Personal Accident / Injury	32	6	0	0	26	0	120	● 0.00	● 0.00	● 0.33	92.14
Insurance: Public Liability / Property Damage Public Property	6	2	5	5	4	0	90	● 1.60	● 13.58	● 10.61	14.04
Leased Premises - General Enquiry	2	0	1	1	2	0	5	● 1.00	1.83	● 6.12	4.81
Rates Searches	11	11	128	116	12	0	3	● 1.99	● 1.51	● 1.61	1.42

2. COMPLIANCE WITH STATUTORY AND REGULATORY REQUIREMENTS INCLUDING SAFETY, RISK AND OTHER LEGISLATIVE MATTERS

Safety Statistics

The safety statistics for the reporting period are:

	FIRST QUARTER		
	July	Aug	Sep
Number of Lost Time Injuries	0	0	-
Number of Days Lost Due to Injury	0	0	-
Total Number of Incidents Reported	1	2	-
Number of Incomplete Hazard Inspections	0	0	-

Risk Management Summary

Section Risk Register (excludes risks accepted/ALARP)

Risk	Current Risk Rating	Future Control & Risk Treatment Plans	Due Date	% Completed	Comments
Corporate Recordkeeping software (ECM) doesn't meet strategic records management requirements in relation to systematic electronic records archival and disposal resulting in failure to dispose/archive eRecords.	High	The Records Archiving, Retention and Disposal (RARRD) project commenced in 2012 to develop a corporate solution to cover eRecords (including more effective hardcopy disposal recording).	TBA	30%	Currently on hold due to higher project priorities. ECM upgrade may include functionality to better facilitate the archive and disposal functions for electronic records.
Failure to have an efficient and effective Enterprise Risk Management system integrated and embedded through the whole of Council resulting in ineffective decision making having strategic, financial, legal, compliance, safety and service delivery impacts.	High	Implement the Enterprise Risk Management Framework to cater for a consistent approach to risk management throughout the organisation.	Dec 14	85%	Section Registers to be adopted Sep 14 Corporate Risk Register planned adoption Dec 14
Operational degradation or failure of Council's Two-way radio communications system resulting in failed regional communications for daily operations and emergency disaster management.	High	Commence planning and implement a replacement RRC regional two-way radio communications system. Two stage plan-1. Replace the Rockhampton City Two-way system. 2. Integrated regional solution taking in the Gracemere	TBD	5%	Currently assessing available solutions leading to system design.

Risk	Current Risk Rating	Future Control & Risk Treatment Plans	Due Date	% Completed	Comments
		infrastructure.			

Legislative Compliance & Standards

Legislative Compliance Matter	Due Date	% Completed	Comments
A local government must review its procurement policy annually.	30/06/15	0%	To be completed annually in June.

3. ACHIEVEMENT OF CAPITAL PROJECTS WITHIN ADOPTED BUDGET AND APPROVED TIMEFRAME

Project	Start Date	Expected Completion Date	Status	Budget Estimate	YTD actual (incl committals)
CAPITAL WORKS PROGRAM					
FLEET (CP440)					
Fleet Asset Renewal Program	1/07/2014	30/06/2015	Ongoing	\$5.8M	\$1,221,853
Comment: YTD represents 21% of budget expenditure and is made up of actuals and committals. Budget includes 2013/14 carryover budget.					
INFORMATION TECHNOLOGY (CP230)					
IT Asset Renewal & Upgrade Program	1/07/2014	30/06/2015	Ongoing	\$1.6M	\$408,393
Comment: YTD represents 24.5% of budget expenditure and includes committals. Budget includes 2013/14 carryover budget.					
BUSINESS SUPPORT & DEVELOPMENT (CP630)					
Property Sales	1/07/2014	30/06/2015	Ongoing	-\$3,645,000	-\$914,982
Comment:					

4. ACHIEVEMENT OF OPERATIONAL PROJECTS WITHIN ADOPTED BUDGET AND APPROVED TIMEFRAME

As at period ended August – 16.7% of year elapsed.

Project	2014/15 Budget	Actual (incl. committals)	% budget expended	Explanation
Customer Service After Hours Operation	\$65,000	\$8,480	13%	Propel after hours call centre service.

Project	Project Start Date	Project Completion Date	% Completed	Comments
Implementation of OIC RTI / IP Review Recommendations.	April 2014	June 2015	67%	5 of 14 recommendations implemented, with 5 partially completed and 4 remaining underway.
Review of Councils Contract Manual (Supply Chain Website).	June 2014	June 2015	10%	Post de-amalgamation review and update.
Information and Communication Technology Strategic Plan 2015-20 development.	July 2014	Dec 2014	20%	ICT Plan to include IT Mobility, eServices and Corporate System Consolidation.

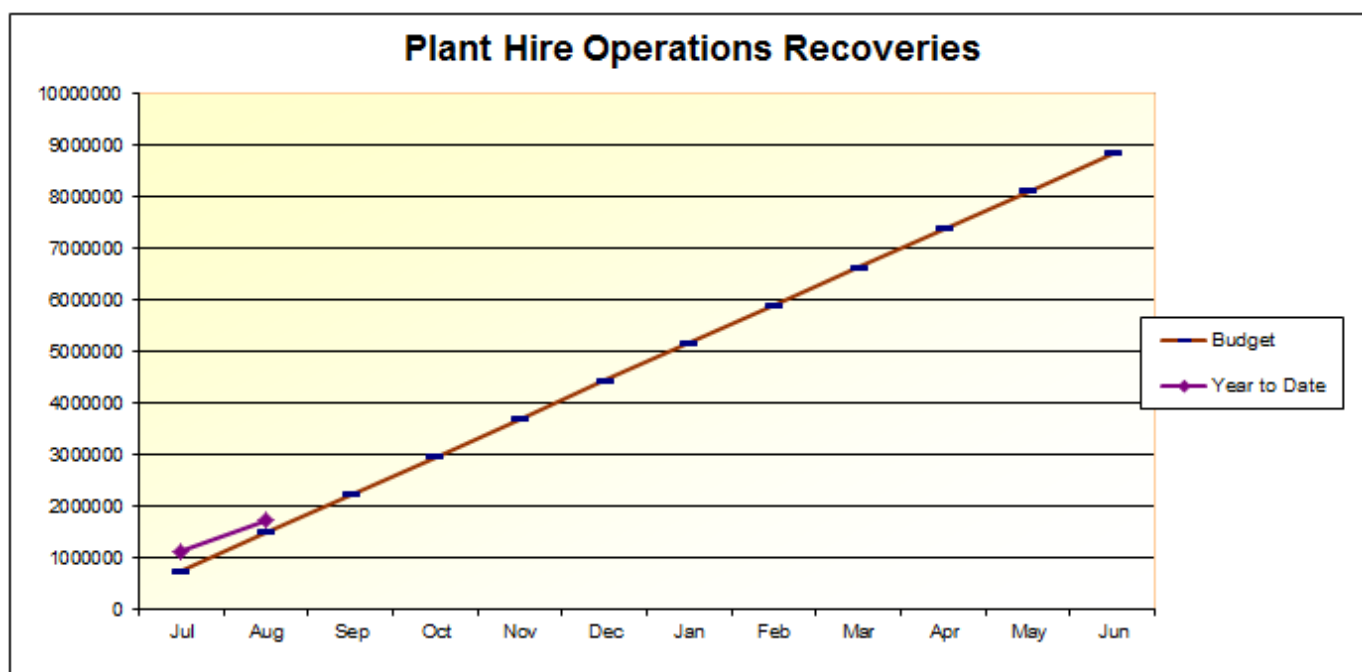
5. DELIVERY OF SERVICES AND ACTIVITIES IN ACCORDANCE WITH COUNCIL'S ADOPTED SERVICE LEVELS

Service Delivery Standard	Target	Current Performance
IT support services provided within service levels outlined in the IT Service Catalogue.	95%	93%
Ensure availability of system up-time during core business hours (excluding planned outages).	99%	100%
Maintain the ratio of customer queries satisfied by Customer Service Officers, without referral to departments.	80%	84%
Customer Service Call Centre answering 75% of incoming calls within 45 seconds.	75%	70%
Process records on the day of receipt as per Recordkeeping Charter.	95%	100%
Process Right to Information/Information Privacy (RTI/IP) applications within legislative timeframes.	100%	100%
Manage centralised tendering and contracting functions in accordance with legislative requirements and Council policy.	100%	100%
Ensure supplier payments are made within stated trading terms.	90%	91%
Ensure staff purchasing activity is compliant with legislation and policy.	100%	100%
Ensure top 100 suppliers by dollar value under formal purchasing agreements (contracts).	90%	97%

Service Delivery Standard	Target	Current Performance
Maximise Council property occupancy rates.	98%	100%
Ensure tenanted properties in any month, have current lease agreements and public liability insurance.	80%	85%
Process insurance claims within procedural timeframes.	100%	100%
Maintenance of the risk monitoring and reporting regime by providing a quarterly risk report to the Council and Leadership Team on all current high and very high risks assessed as not ALARP (unacceptable).	100%	100%

Fleet Services

Ensure internal plant hire operations deliver budgeted net surplus.



Plant Hire Operations Budget (Surplus)	\$8,823,500
Year to Date (Surplus)	\$1,711,194

Procurement & Logistics

Contracts Awarded August 14: Qty 7

10906 - Supply & Delivery of Potable Water Mag Flow Meters - Siemens Ltd - Schedule of Rates
10705 - Supply and Delivery of Calcium Hydroxide (Hydrated Lime) - Sibelco Australia Ltd - Schedule of Rates
11178 - Management and Operation of Four Aquatic Facilities - Lane 4 Pty Ltd - Annual Management Fees
11243 - Supply and Installation of Electronic Interactive Playground at Kershaw Gardens - \$195,035
11254 - ITQ Supply & Delivery of Electronic BBQ's - Unisite Street & Park Furniture - \$33,472
11258 - Design and Construction of Otter Enclosure at the Rockhampton Zoo - Bell Thomasson Builders - \$129,500
11263 - Sale of Scrap Metal Located at Gracemere Landfill - Lump Sum per Tonne

Customer Requests Completed Monthly & Top 5 Customer Requests													
	January	February	March	April	May	June	July	August	September	October	November	December	
Requests Logged	5133	6054	5898	3678	3540	3028	3733	3517					
Same month Completed	4372	4994	5092	2751	2792	2450	3077	2830					
% completed same month	85%	82%	86%	75%	79%	80%	82%	80%					
Completed Total for Month	5077	5590	6060	3486	3858	3037	3925	3422					
Total Pending	2218	2205	1999	2464	2073	2027	1627	1723					
Top 5 Requests for Month	W/Leak D/Plan MISJJR W/Animal Bin RRC	O/Grown D/Plan Potholes W/Leak CDec	D/Planner T/Trim W/Leak W/Animal CDec	Mossies W/Animal Rates Inf Enq Cdec	D/Planner W/Leak T/Trim COA Bin RRC	D/Planner W/Animal W/Leak Meter Mtce Facilities Mgt	Inf Enq W/Animal D/Plan Cdec W/Leak	Inf Enq D/Planner W/Animal T/Trim W/Leak					

Total uncompleted customer requests up to 3 months old:	1221
Total uncompleted customer requests between 3 to 6 months old:	227
Total uncompleted customer requests greater than 6 months old:	275

Conquest Work Order & Investigation Long Term up to 3 months	353
Conquest Work Order & Investigation Long Term between 3 to 6 months old:	165
Conquest Work Order & Investigation Long Term greater than 6 months old:	161

Request Completed: Requested task or action has been completed (not just work order raised), or complaint has been investigated, action taken and correspondence finalised.

Conquest Work Order: A Work Order has been raised for maintenance, repair or future planned action.

Investigation Long Term: Requested task, action or complaint assigned to internal or external investigation, may include, but not limited to: Insurance, Planning, Legal, Civil or Domestic matter

Key:	Facilities Management	Inf Enq - Infringement Enquiry - Local Laws	W/Animal - Wandering Animal
	D/Plan - Duty Planner	T/Trim - Tree Trim	W/Leak - Water Leak
	Bin RRC - Replace Bin RRC	Rates - Rates Enquiries	CDec - Commissioner of Declarations

FINANCIAL MATTERS

Operational Budget Status for month ending August 2014

	Adopted Budget	EOM Commitments	YTD Actual	Commit + Actual	Var	On target
	\$	\$	\$	\$	%	16.7% of Year Gone
CORPORATE AND TECHNOLOGY						
<i>IT Services</i>						
Revenues	(100,658)	0	(3,346)	(3,346)	3%	✗
Expenses	5,124,996	430,972	1,278,308	1,709,280	33%	✗
Transfer / Overhead Allocation	21,525	0	4,102	4,102	19%	✗
Total Unit: IT Services	5,045,863	430,972	1,279,064	1,710,036	34%	✗
<i>Coordinator - Technology Infra</i>						
Expenses	195,261	0	15,649	15,649	8%	✓
Transfer / Overhead Allocation	0	0	(2,386)	(2,386)	0%	✓
Total Unit: Coordinator - Technology Infra	195,261	0	13,262	13,262	7%	✓
<i>Records Management</i>						
Revenues	(12,000)	0	(1,981)	(1,981)	17%	✗
Expenses	720,387	101	140,172	140,274	19%	✗
Transfer / Overhead Allocation	0	0	16	16	0%	✗
Total Unit: Records Management	708,387	101	138,207	138,309	20%	✗
<i>Property & Insurance</i>						
Revenues	(599,041)	0	(159,439)	(159,439)	27%	✓
Expenses	2,609,865	27,992	1,779,591	1,807,583	69%	✗
Transfer / Overhead Allocation	9,738	0	1,559	1,559	16%	✓
Total Unit: Property & Insurance	2,020,562	27,992	1,621,710	1,649,703	82%	✗
<i>Fleet Services</i>						
Revenues	(252,000)	455	(31,937)	(31,483)	12%	✗
Expenses	13,396,080	892,730	2,691,127	3,583,857	27%	✗
Transfer / Overhead Allocation	(16,562,000)	0	(3,292,417)	(3,292,417)	20%	✓
Total Unit: Fleet Services	(3,417,920)	893,184	(633,227)	259,957	-8%	✗
<i>Corporate & Technology</i>						
Expenses	665,201	27,900	93,250	121,150	18%	✗
Transfer / Overhead Allocation	0	0	750	750	0%	✗
Total Unit: Corporate & Technology	665,201	27,900	94,000	121,900	18%	✗
<i>Procurement & Logistics</i>						
Revenues	(850)	455	0	455	-53%	✗
Expenses	1,429,848	860	217,397	218,257	15%	✓
Transfer / Overhead Allocation	35,086	0	4,799	4,799	14%	✓
Total Unit: Procurement & Logistics	1,464,084	1,314	222,196	223,510	15%	✓
<i>Customer Service</i>						
Revenues	(262,000)	0	(59,746)	(59,746)	23%	✓
Expenses	1,719,530	4,736	251,945	256,681	15%	✓
Transfer / Overhead Allocation	0	0	56	56	0%	✗
Total Unit: Customer Service	1,457,530	4,736	192,255	196,991	14%	✓
Total Section: CORPORATE AND TECHNOLOGY	8,138,968	1,386,200	2,927,468	4,313,668	53%	✗

**CORPORATE SERVICES
DEPARTMENT - MONTHLY
OPERATIONAL REPORT**

Finance Monthly Report - August 2014

Meeting Date: 23 September 2014

Attachment No: 3

MONTHLY OPERATIONS REPORT
FINANCE SECTION
Period Ended AUGUST 2014

VARIATIONS, ISSUES AND INNOVATIONS***Innovations***

Planning for the Finance One Budget module and the Chart of Accounts review has commenced.

Improvements / Deterioration in Levels of Services or Cost Drivers

Draft Financial Statements presented to Audit Committee on the 9th September and included by report as part of the agenda.

LINKAGES TO OPERATIONAL PLAN

1. COMPLIANCE WITH CUSTOMER SERVICE REQUESTS

The response times for completing the predominant customer requests in the reporting period for Finance are as below:

	Balance B/F	Completed In Current Mth	Current Month NEW Requests		TOTAL INCOMPLETE REQUESTS BALANCE	Under Long Term Investigation	Completion Standard (days)	Avg Completion Time (days) Current Mth	Avg Completion Time (days) 6 Months	Avg Completion Time (days) 12 Months	Avg Duration (days) 12 Months (complete and incomplete)
			Received	Completed							
Rates Enquiry	4	3	77	71	7	0	3	1.11	1.44	1.59	1.15

Comments & Additional Information

Nil	Activity increased from last month (40 received) due to issue of Rates Notices.
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2. COMPLIANCE WITH STATUTORY AND REGULATORY REQUIREMENTS INCLUDING SAFETY, RISK AND OTHER LEGISLATIVE MATTERS

Safety Statistics

The safety statistics for the reporting period are:

	FIRST QUARTER		
	July	Aug	Sept
Number of Lost Time Injuries	0	0	
Number of Days Lost Due to Injury	0	0	
Total Number of Incidents Reported	0	0	
Number of completed Hazard Inspections	1		

Risk Management Summary

Example from Section Risk Register (excludes risks accepted/ALARP)

Risk	Current Risk Rating	Future Control & Risk Treatment Plans	Due Date	% Completed	Comments
Lack of funds for capital works resulting in degradation of existing assets causing unusable assets and public liability claims	High 5	Enhanced capital expenditure reporting for monitoring purposes. Improved Asset Management and Financial Planning	31/12/14	5	Will continue to review LTFP with the Credit Review during August/Sept.
The use of inaccurate GIS data by external and internal users will lead to litigation and a lack of integrity for internal and external users.	Moderate 5	Continued review of integrity of existing data	30/06/14	10	Ongoing

Legislative Compliance & Standards

Legislative Compliance Matter	Due Date	% Completed	Comments
Audited Statement completed by end of October	31/10/14	70%	Draft statements presented to Audit Committee – Audit now in progress
Annual Budget adopted by 1 August	01/08/14	100%	Budget adopted in June

Legislative Compliance Matter	Due Date	% Completed	Comments
Asset Register must record its non-current physical assets	30/06/15	10%	Ongoing
A community financial report must be prepared for the Annual Report	30/10/14	0	Awaiting finalisation of Financial Statements
A Local Government must have a Debt Policy, Investment Policy and a Revenue Policy	01/08/14	100%	Included with the Budget adoption
Trust Fund Management in accordance with the Local Government Regulation	30/06/15	17%	Ongoing
Monthly Financial report prepared for the monthly meeting of Council	30/08/14	100%	July report presented to August P&S
A Local Government must set an Asset Recognition threshold	30/06/15	50%	Amount set – no changes proposed

3. ACHIEVEMENT OF CAPITAL PROJECTS WITHIN ADOPTED BUDGET AND APPROVED TIMEFRAME

No capital projects are relevant to the Finance Section.

4. ACHIEVEMENT OF OPERATIONAL PROJECTS WITHIN ADOPTED BUDGET AND APPROVED TIMEFRAME

As at period ended August 2014 – 16.6% of year elapsed.

Project	Revised Budget	Actual (incl. committals)	% budget expended	Explanation
Improve Information for Better Asset Management and Financial Planning	\$95,000	0	0	Majority of work will be from September through to December

5. DELIVERY OF SERVICES AND ACTIVITIES IN ACCORDANCE WITH COUNCIL'S ADOPTED SERVICE LEVELS

Adopted/Operational Service Level Standards & Performance

Service Level	Target	Current Performance
Levy rates within 1 week of predicted dates in revenue statement	100%	100%
Manage the recovery of unpaid rates and charges in accordance with the Revenue Management Policy, achieving an overdue balance of less than 6%	<6%	3.08% achieved in August

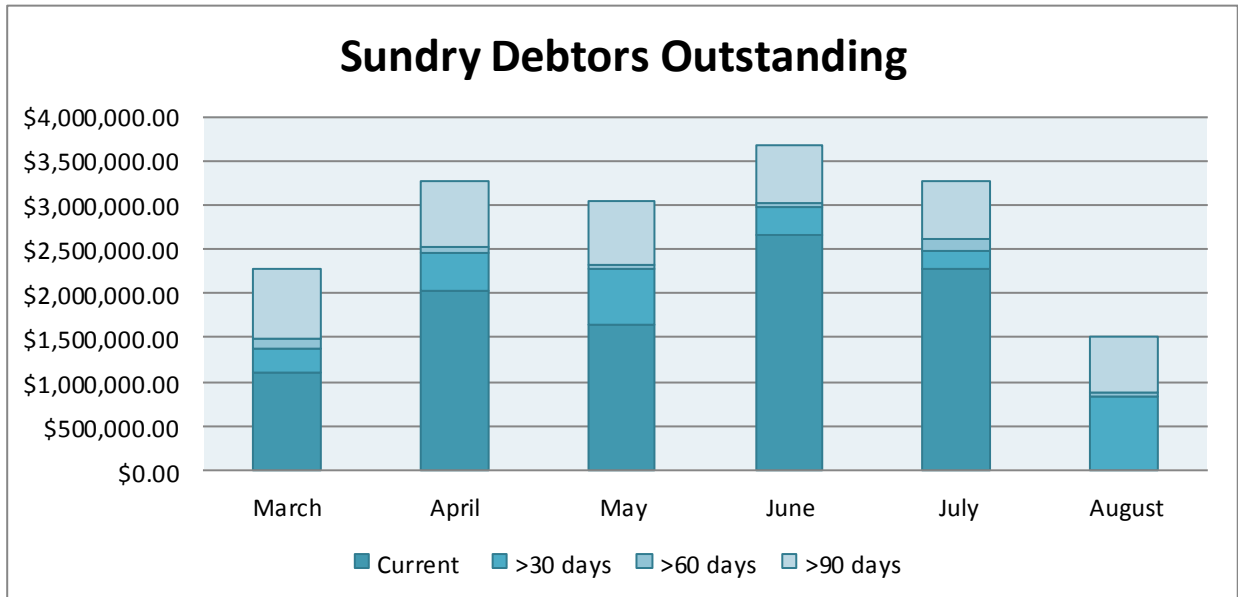
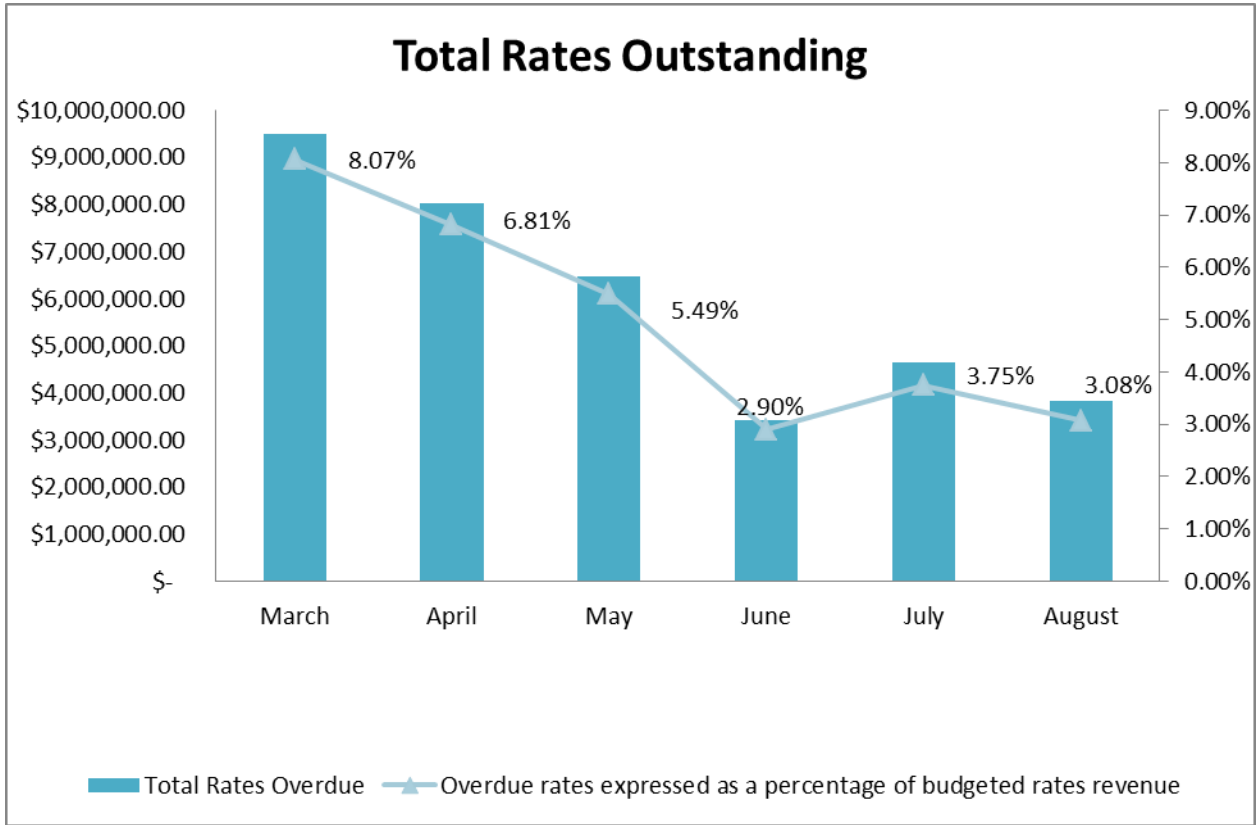
FINANCIAL MATTERS

EOM General Ledger - FINANCE Operational Only

As At End Of August

Report Run: 12-Sep-2014 14:18:56 Excludes Nat Accs: 2802,2914,2917,2924

	Adopted Budget	Revised Budget	EOM Commitments	Commit + Actual	Variance %	On target 16.7% of Year Gone
	\$	\$	\$	\$	%	
FINANCE						
<i>Finance</i>						
Revenues	(95,000)	0	0	(3,282)	3%	✘
Expenses	766,333	0	90,171	145,127	19%	✘
Transfer / Overhead Allocation	0	0	0	31	0%	✘
Total Unit: Finance	671,333	0	90,171	141,876	21%	✘
<i>Accounting Services</i>						
Revenues	0	0	0	(673)	0%	✓
Expenses	1,152,937	0	0	157,499	14%	✓
Transfer / Overhead Allocation	12,750	0	0	1,081	8%	✓
Total Unit: Accounting Services	1,165,687	0	0	157,907	14%	✓
<i>Revenue & Treasury</i>						
Revenues	(357,060)	0	0	(100,312)	28%	✓
Expenses	1,712,304	0	59,307	329,006	19%	✘
Total Unit: Revenue & Treasury	1,355,244	0	59,307	228,695	17%	✘
<i>Financial Systems & Projects</i>						
Expenses	405,052	0	417	62,902	16%	✓
Total Unit: Financial Systems & Projects	405,052	0	417	62,902	16%	✓
<i>Asset Management</i>						
Revenues	(3,600)	0	0	(1,512)	42%	✓
Expenses	1,862,503	0	3,476	207,169	11%	✓
Transfer / Overhead Allocation	30,000	0	0	5,200	17%	✘
Total Unit: Asset Management	1,888,903	0	3,476	210,857	11%	✓
Total Section: FINANCE	5,486,220	0	153,371	802,238	15%	✓
Grand Total:	5,486,220	0	153,371	802,238	15%	✓



9.2 SUMMARY BUDGET MANAGEMENT REPORT FOR THE PERIOD ENDED 31 AUGUST 2014

File No: 8148
Attachments: 1. Income Statement - August 2014
2. Key Indicator Graphs - August 2014
Authorising Officer: Ross Cheesman - General Manager Corporate Services
Author: Alicia Cutler - Manager Finance

SUMMARY

The Manager Finance presenting the Rockhampton Regional Council Summary Budget Management Report for the period ended 31 August 2014.

OFFICER'S RECOMMENDATION

THAT the Rockhampton Regional Council Summary Budget Management Report for the Period ended 31 August 2014 be 'received'.

COMMENTARY

The attached financial report and graphs have been compiled from information within Council's Finance One system. The reports presented are as follows:

1. Income Statement (Actuals and Budget for the period 1st July 2014 to 31 August 2014), Attachment 1.
2. Key Indicators Graphs, Attachment 2.

Council should note in reading this report that normally after the completion of the first two months of the financial year, operational results should be approximately 16.7% of budget. However, with the accrual of expenditure transactions from July to June to finalise the 2013/14 financial year, expenditure results for the first month or two of the financial year can often lag behind budget. All percentages for operational revenue and operational expenditure are measured against the adopted budget.

The percentages reported for capital revenue and capital expenditure are measured against the adopted budget with carryovers i.e. including carry-over capital budgets from 2013/14. The net carry over Capital budget is \$14.6M, comprising carry over expenditure budgets totalling \$19.2M less carry over revenue budgets totalling \$4.6M.

The following commentary is provided in relation to the Income Statement:

Total Operating Revenue is reported at 37%. Key components of this result are:

- Net Rates and Utility Charges are at 45% of budget. This positive variance is due to General Rates and Utility Charges for the six months ending 31 December 2014 having been processed in full.
- Private and Recoverable Works are behind budget at 13%. This is mostly due to the normal catch-up period between work completed and the billing cycle.
- Grants, Subsidies and Contributions are ahead of budget at 31%. The quarterly Financial Assistance Grant payment was received in August.
- Interest Revenue is ahead of budget at 20%. Interest Revenue historically remains ahead of budget for the first six months of the financial year and then moves closer to budget during the second half of the financial year.

Total Operating Expenditure is reported at 18%. Key components of this result are:

- Contractors and Consultants expenditure is ahead of budget at 30%. This is solely due to committed expenditure, as actual expenditure is only 8.4% of budget. The actual result is impacted by the accrual of expenditure to 2013/14.

- Asset Operational Expenditure is ahead of budget at 30%. This is due to Council having already paid annual insurance premiums including, amongst others, Public Liability and Motor Vehicle premiums.
- Administrative Expenses are ahead of budget at 29%. This is mostly due to Council having already paid a number of annual Information Technology software licenses.
- Finance Costs are well behind budget. Finance Costs will move closer to budget in September, following the first quarterly repayment on Council's loan portfolio held with the Queensland Treasury Corporation.
- Other Expenses are reported as ahead of budget at 23%. This is mostly due to Council having paid annual LGAQ membership as well as the first installment to Capricorn Tourism and Economic Development.

The following commentary is provided in relation to capital income and expenditure, as well as investments and loans:

Total Capital Income is at 8% of budget. Receipt of Capital Income is anticipated to increase in coming months with Natural Disaster, GIA and Southside Pool funding as well as proceeds from asset sales.

Total Capital Expenditure is at 25% of budget with committals, or approximately 9.3% of budget without committals. The actual result is impacted by the accrual of expenditure to 2013/14.

Total Investments are approximately \$83.0M as at 31 August 2014. Total Investments are anticipated to increase during September mostly due to the receipt of General Rates and Utility Charges for the six months ending 31 December 2014.

Total Loans are \$157.9M as at 31 August 2014.

CONCLUSION

At this early stage of the financial year, few financial trends have emerged. Operational Income is reported as well ahead of budget due to the levying of the General Rates and Utility Charges for the six months ending 31 December 2014. A number of annual operational outlays including insurance premiums, memberships and Information Technology software licenses have already been paid.

It is anticipated that Capital Expenditure will continue to gain momentum with the ongoing roll out of the capital works program for 2014/15.

SUMMARY BUDGET MANAGEMENT REPORT FOR THE PERIOD ENDED 31 AUGUST 2014

Income Statement - August 2014

Meeting Date: 23 September 2014

Attachment No: 1



**Income Statement
For Period July 2014 to August 2014
8.3% of Year Gone**

	Adopted Budget	YTD Actual	Commitments	YTD Actuals (inc commitments)	% of Adopted Budget	
	\$	\$	\$	\$		
OPERATING						
Revenues						
Net rates and utility charges	(124,312,081)	(56,016,311)	0	(56,016,311)	45%	
Fees and Charges	(28,728,960)	(4,641,705)	1,109	(4,640,596)	16%	
Private and recoverable works	(7,977,114)	(1,063,244)	0	(1,063,244)	13%	
Rent/Lease Revenue	(2,973,053)	(535,687)	0	(535,687)	18%	
Grants Subsidies & Contributions	(14,798,353)	(4,545,833)	223	(4,545,610)	31%	
Interest revenue	(2,588,470)	(511,551)	0	(511,551)	20%	
Other Income	(3,960,139)	(733,945)	0	(733,945)	19%	
Total Revenues	(185,338,169)	(68,046,278)	1,332	(68,046,945)	37%	
Expenses						
Employee Costs	70,866,820	10,519,807	228,178	10,747,985	15%	
Contractors & Consultants	15,759,452	1,316,731	3,448,131	4,764,862	30%	
Materials & Plant	18,730,644	1,551,521	1,031,208	2,582,729	14%	
Asset Operational	19,139,029	4,336,621	1,387,199	5,723,821	30%	
Administrative Expenses	10,568,893	1,825,298	1,288,116	3,113,415	29%	
Depreciation	44,437,366	7,406,228	0	7,406,228	17%	
Finance costs	10,063,252	58,126	0	58,126	1%	
Other Expenses	1,480,408	337,746	4,672	342,418	23%	
Total Expenses	191,045,863	27,352,078	7,387,504	34,739,582	18%	
Transfer / Overhead Allocation						
Transfer/Overhead Allocation	(10,352,252)	(1,658,387)	0	(1,658,387)	16%	
Total Transfer / Overhead Allocation	(10,352,252)	(1,658,387)	0	(1,658,387)	16%	
TOTAL OPERATING POSITION (SURPLUS)/DEFICIT	(4,644,557)	(42,354,586)	7,388,837	(34,965,750)	753%	
CAPITAL						
	Adopted Budget	August Revised (Inc Carry Forward)	YTD Actual	Commitments	YTD Actuals (inc commitments)	% of Revised Budget
Total Developers Contributions Received	(3,600,000)	(3,600,000)	(388,440)	0	(388,440)	11%
Total Capital Grants and Subsidies Received	(6,344,000)	(10,897,134)	(409,345)	0	(409,345)	4%
Total Proceeds from Sale of Assets	(6,575,000)	(6,581,455)	(925,000)	0	(925,000)	14%
Total Capital Income	(16,519,000)	(21,078,589)	(1,722,785)	0	(1,722,785)	8%
Total Capital Expenditure	80,462,491	99,636,904	9,241,880	15,754,983	24,996,863	25%
Net Capital Position	63,943,491	78,558,315	7,519,095	15,754,983	23,274,078	30%
TOTAL INVESTMENTS			83,026,108			
TOTAL BORROWINGS			157,903,336			

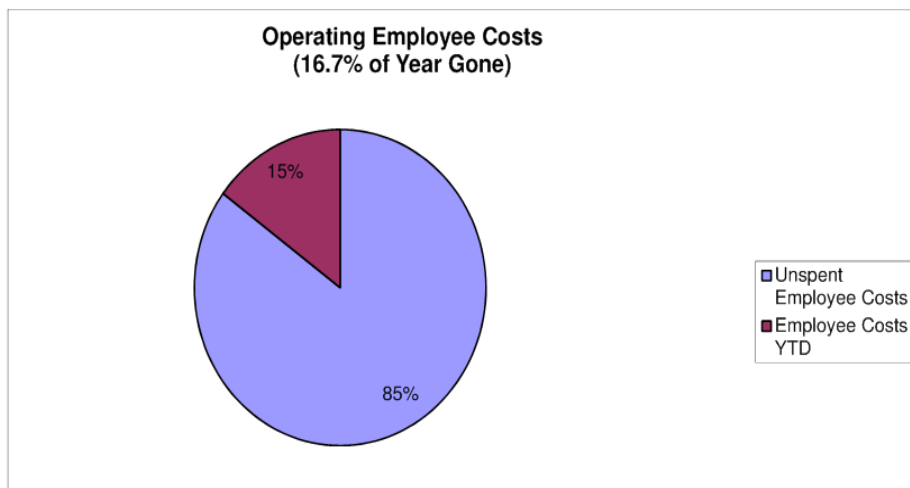
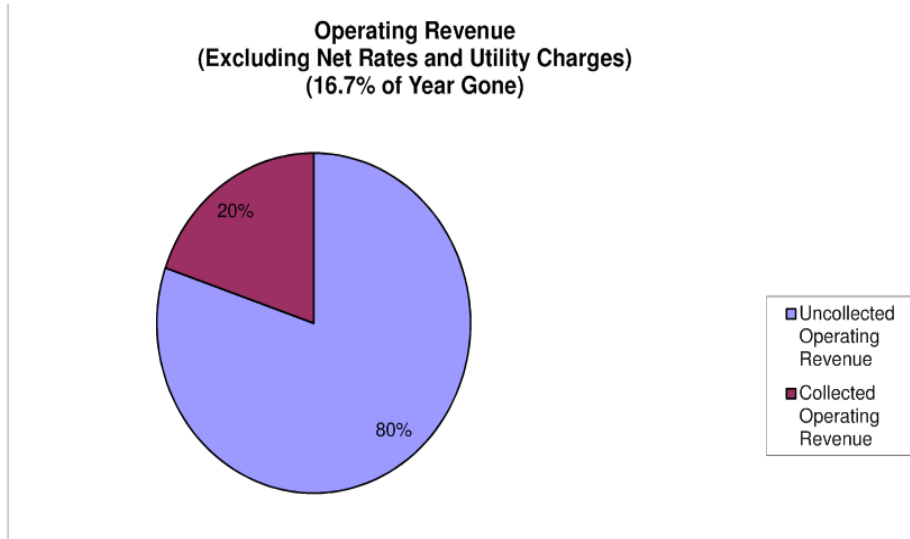
SUMMARY BUDGET MANAGEMENT REPORT FOR THE PERIOD ENDED 31 AUGUST 2014

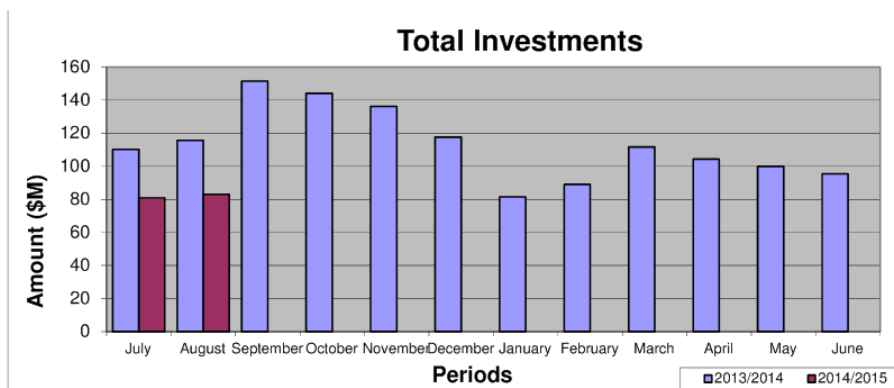
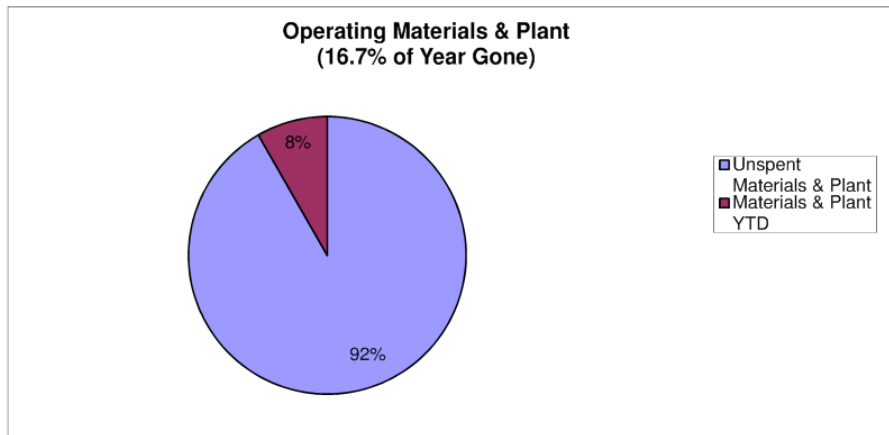
Key Indicator Graphs - August 2014

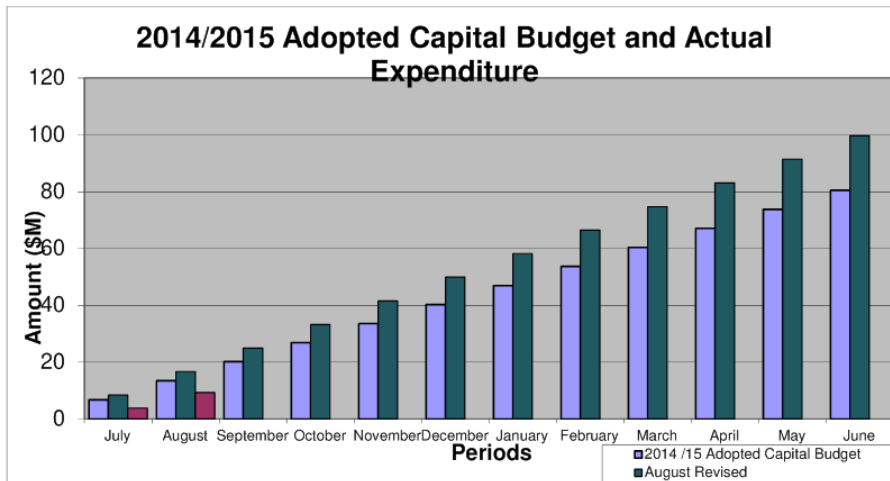
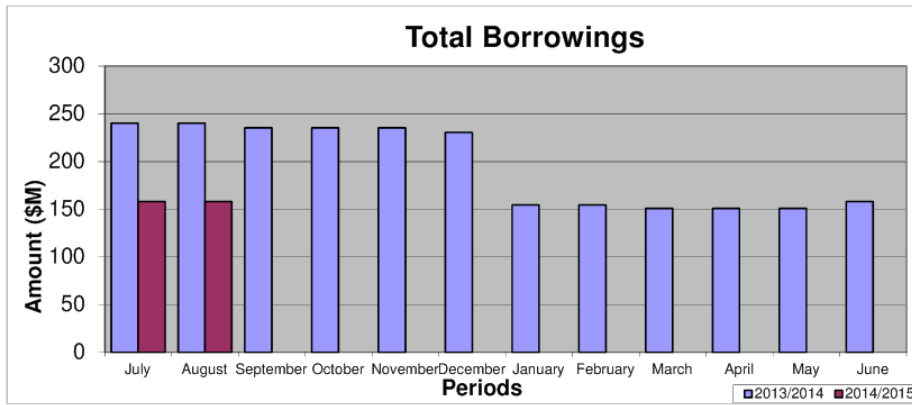
Meeting Date: 23 September 2014

Attachment No: 2

KEY INDICATOR GRAPHS – AUGUST 2014







10 NOTICES OF MOTION

Nil

11 URGENT BUSINESS/QUESTIONS

Urgent Business is a provision in the Agenda for members to raise questions or matters of a genuinely urgent or emergent nature, that are not a change to Council Policy and can not be delayed until the next scheduled Council or Committee Meeting.

12 CLOSED SESSION

In accordance with the provisions of section 275 of the *Local Government Regulation 2012*, a local government may resolve to close a meeting to the public to discuss confidential items, such that its Councillors or members consider it necessary to close the meeting.

RECOMMENDATION

THAT the meeting be closed to the public to discuss the following items, which are considered confidential in accordance with section 275 of the *Local Government Regulation 2012*, for the reasons indicated.

13.1 2013/14 Draft Annual Financial Statements

This report is considered confidential in accordance with section 275(1)(h), of the *Local Government Regulation 2012*, as it contains information relating to other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage .

13.2 Legal Matters as at 31 August 2014

This report is considered confidential in accordance with section 275(1)(f), of the *Local Government Regulation 2012*, as it contains information relating to starting or defending legal proceedings involving the local government.

13.3 Renewal of Periodic Grazing Tenure Agreements

This report is considered confidential in accordance with section 275(1)(e), of the *Local Government Regulation 2012*, as it contains information relating to contracts proposed to be made by it.

13.4 Tender - Lease of Vacant Council Land

This report is considered confidential in accordance with section 275(1)(h), of the *Local Government Regulation 2012*, as it contains information relating to other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage .

13.5 Dreamtime Cultural Centre Lease and Lot 8 on SP125023

This report is considered confidential in accordance with section 275(1)(e), of the *Local Government Regulation 2012*, as it contains information relating to contracts proposed to be made by it.

13.6 Reciprocal Library Agreement

This report is considered confidential in accordance with section 275(1)(e), of the *Local Government Regulation 2012*, as it contains information relating to contracts proposed to be made by it.

13.7 Recovery of Legal Costs

This report is considered confidential in accordance with section 275(1)(f), of the *Local Government Regulation 2012*, as it contains information relating to starting or defending legal proceedings involving the local government.

13.8 Monthly Report to Council from Chief Executive Officer for period ending 15 September 2014

This report is considered confidential in accordance with section 275(1)(h), of the *Local Government Regulation 2012*, as it contains information relating to other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage .

13 CONFIDENTIAL REPORTS

13.1 2013/14 DRAFT ANNUAL FINANCIAL STATEMENTS

File No: 8151

Attachments:

1. Unaudited Financial Statements - 2014
2. 2013/2014 Carry Over Budget

Authorising Officer: Ross Cheesman - General Manager Corporate Services

Author: Alicia Cutler - Manager Finance

This report is considered confidential in accordance with section 275(1)(h), of the *Local Government Regulation 2012*, as it contains information relating to other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

SUMMARY

The Unaudited Annual Financial Statements as at 30 June 2014 was presented to the Audit and Business Improvement Committee on the 9th September with only minor alterations suggested, prior to signing, A commentary on the Statements as well as the final results for 13/14 is also provided for members.

13.2 LEGAL MATTERS AS AT 31 AUGUST 2014

File No: 1392
Attachments: 1. Legal Matters - August 2014
Authorising Officer: Tracy Sweeney - Manager Workforce and Strategy
Ross Cheesman - General Manager Corporate Services
Author: Kerrie Barrett - Coordinator Corporate Improvement & Strategy

This report is considered confidential in accordance with section 275(1)(f), of the *Local Government Regulation 2012*, as it contains information relating to starting or defending legal proceedings involving the local government.

SUMMARY

Coordinator Corporate Improvement & Strategy presenting an update of current legal matters that Council is involved in as at 31 August 2014.

13.3 RENEWAL OF PERIODIC GRAZING TENURE AGREEMENTS

File No: 1370
Attachments: Nil
Authorising Officer: Drew Stevenson - Manager Corporate and Technology
Ross Cheesman - Acting Chief Executive Officer
Author: Kellie Anderson - Coordinator Property and Insurance

This report is considered confidential in accordance with section 275(1)(e), of the *Local Government Regulation 2012*, as it contains information relating to contracts proposed to be made by it.

SUMMARY

Coordinator Property & Insurance reporting on the renewal of existing periodic grazing tenure agreements.

13.4 TENDER - LEASE OF VACANT COUNCIL LAND**File No:** 1370**Attachments:**

1. James Street, Gracemere - Map
2. Lot 117 Capricorn Highway, Gogango - Map
3. 22 Hallett Street, Berserker - Map
4. 199 Peter Street, Berserker - Map
5. 229-235 Peter Street, Berserker - Map
6. Part 90 Cavan Street, Koongal - Map
7. Lot 188 Port Curtis Road, Port Curtis - Map

Authorising Officer: Drew Stevenson - Manager Corporate and Technology
Ross Cheesman - General Manager Corporate Services**Author:** Kellie Anderson - Coordinator Property and Insurance

This report is considered confidential in accordance with section 275(1)(h), of the *Local Government Regulation 2012*, as it contains information relating to other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

SUMMARY

Coordinator Property & Insurance reporting on proposal to call tenders for the lease of various parcels of Council owned vacant land for the purpose consistent with the planning scheme (Grazing, Stables, Rural).

13.5 DREAMTIME CULTURAL CENTRE LEASE AND LOT 8 ON SP125023**File No:** 4201**Attachments:**

1. Dreamtime Cultural Centre Lease - Expires 2025 + 20 Year Option
2. Dreamtime Cultural Centre Agreement - 1985
3. Letter from Johnson Law - 10 September 2014
4. Map - Lot 8 on SP125023
5. Portions A & B - Lot 8 on SP125023

Authorising Officer: Drew Stevenson - Manager Corporate and Technology
Ross Cheesman - General Manager Corporate Services**Author:** Kellie Anderson - Coordinator Property and Insurance

This report is considered confidential in accordance with section 275(1)(e), of the *Local Government Regulation 2012*, as it contains information relating to contracts proposed to be made by it.

SUMMARY

Coordinator Property & Insurance reporting on proposed amendments to the Lease to the Dreamtime Cultural Centre – 703-751 Yaamba Road and inclusion of part of Lot 8 on SP125023 – 765 Yaamba Road. It is also proposed that the remaining portion of Lot 8 on SP125023 be transferred back to the State of Queensland.

13.6 RECIPROCAL LIBRARY AGREEMENT

File No: 2313
Attachments: 1. Reciprocal Library Agreement Request
Authorising Officer: Michael Rowe - General Manager Community Services
Author: Kerri Dorman - Administration Supervisor

This report is considered confidential in accordance with section 275(1)(e), of the *Local Government Regulation 2012*, as it contains information relating to contracts proposed to be made by it.

SUMMARY

Chief Executive Officer seeking Council response to formal Reciprocal Library Agreement request.

13.7 RECOVERY OF LEGAL COSTS**File No:** 8525**Attachments:** 1. **Correspondence from King & Company Solicitors****Authorising Officer:** **Evan Pardon - Chief Executive Officer****Author:** **Robert Holmes - General Manager Regional Services**

This report is considered confidential in accordance with section 275(1)(f), of the *Local Government Regulation 2012*, as it contains information relating to starting or defending legal proceedings involving the local government.

SUMMARY

Following a recent court case which ruled in the Council's favour, Council's solicitors have raised the matter of whether Council wishes to pursue costs on the case.

13.8 MONTHLY REPORT TO COUNCIL FROM CHIEF EXECUTIVE OFFICER FOR PERIOD ENDING 15 SEPTEMBER 2014

File No: 1830
Attachments: 1. Monthly Report September 2014
Authorising Officer: Evan Pardon - Chief Executive Officer
Author: Evan Pardon - Chief Executive Officer

This report is considered confidential in accordance with section 275(1)(h), of the *Local Government Regulation 2012*, as it contains information relating to other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

SUMMARY

Chief Executive Officer presenting monthly report to Council for the period ending 15 September 2014.

14 CLOSURE OF MEETING