



Cook Shire
COUNCIL

REGISTER OF AUTHORISATIONS (4TH Register)

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STANDARD CONDITIONS FOR AUTHORISATIONS

When exercising a power granted by an Authorisation, the Authorised Person is required to maintain qualifications, or demonstrate appropriate experience in the Acts (and associated Regulations) under which the powers have been granted.

Where relevant, the Authorised Person is to maintain qualifications, or demonstrate appropriate experience in the application of the following:

- Queensland *Right to Information Act 2009* (and associated Regulations)
- Queensland *Information Privacy Act 2009* (and associated Regulations)
- Queensland *Local Government Act 2009* (and associated Regulations)
- Queensland *Integrity Act 2009* (and associated Regulations)
- Queensland *Public Sector Ethics Act 1994* (and associated Regulations)
- Queensland *Public Records Act 2002* (and associated Regulations).

The Authorised Person will:

- (a) Not intentionally undertake any activity that will adversely affect Council's relations with the public at large, key stakeholders or other agencies, government departments or special interest groups.
- (b) Not exercise any power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
- (c) Not exercise any power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
- (d) Only exercise a power in a manner which complies with the requirements of Council's Planning Scheme, Local Laws and/or any other state or federally endorsed and certified corporate scheme, law, regulation or prescriptive document.
- (e) Not exercise any power which cannot lawfully be the subject of delegation by Council.
- (f) Keep all records in accordance with Council policy and procedures and in accordance with the Queensland *Public Records Act 2002* and associated Regulations.
- (g) Refer the exercise of power back to the Chief Executive Officer, Council or an appropriately delegated Manager where the application of that power may be contentious.
- (h) Report periodically on the exercise of delegated powers to Council, Cook Shire Council's Chief Executive Officer, Council's Executive Leadership Team or to any agency to which Council is, by law, required to report.

ANIMAL MANAGEMENT (CATS AND DOGS) ACT 2008

Act / Regulation	Delegated Power	Authorisation	Section and Act	Authorised Employee
ANIMAL MANAGEMENT (CATS AND DOGS) ACT 2008	Power Retained By CEO <i>State Granted Power</i>	Appointed as an Authorised Person by the Chief Executive Officer under Section 104, 105, 106	<i>Animal Management (Cats and Dogs) Act 2008, Section 104 (2) (a)</i>	Authorised to Enforce Local Laws.
	Power Retained By CEO <i>State Granted Power</i>	Power to determine conditions, and sign a signed notice.	Section 105(1) <i>Animal Management (Cats and Dogs) Act 2008</i>	Compliance Officer
	Manager Governance & Risk <i>State Granted Power</i>	Power to issue an identity card to each authorised person.	Section 106(1) <i>Animal Management (Cats and Dogs) Act 2008</i>	<i>Animal Management Officer</i>

Date of Authorisation: 1 November 2019

Chief Executive Officer: Linda Cardew

Signature: 

BIOSECURITY ACT 2014

Act / Regulation	Delegated Power	Authorisation	Section and Act	Authorised Employee
BIOSECURITY ACT 2014	Power Retained By CEO <i>State Granted Power</i>	Appointed as an Authorised Person by the Chief Executive Officer under Section 246 (2)(3).	<i>Biosecurity Act 2014, Section 246 (2) (a)</i>	Biosecurity Manager
	Manager Governance & Risk <i>State Granted Power</i>	Power, as the administering executive, to issue an identity card to each designated officer.	<i>Section 329 Biosecurity Act 2014</i>	

Date of Authorisation: 1 November 2019

Chief Executive Officer: Linda Cardew

Signature: 

BUILDING ACT 1975

Act / Regulation	Delegated Power	Authorisation	Section and Act	Authorised Employee
BUILDING ACT 1975	Director Organisational Business Services <i>State Granted Power</i>	Power to authorise an officer to enter a building or structure and remove all persons found there.	Section 253 <i>Building Act 1975</i>	Authorisation To Be in Writing as Needed.

Date of Authorisation: 1 November 2019

Chief Executive Officer: Linda Cardew

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ENVIRONMENTAL OFFSETS ACT 2014

Act / Regulation	Delegated Power	Authorisation	Section and Act	Authorised Employee
ENVIRONMENTAL OFFSETS ACT 2014	Power Retained By CEO <i>State Granted Power</i>	Power to appoint an appropriately qualified employee as an enforcement officer	Section 45(2) <i>Environmental Offsets Act 2014</i>	Manager Planning & Environment

Date of Authorisation: 1 November 2019

Chief Executive Officer: Linda Cardew

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ENVIRONMENTAL PROTECTION ACT 1994

Act / Regulation	Delegated Power	Authorisation	Section and Act	Authorised Employee
ENVIRONMENTAL PROTECTION ACT 1994	Power Retained by CEO <i>State Granted Power</i>	Power, as chief executive officer, to appoint an employee of the Council to be an authorised person.	Section 445(2) <i>Environmental Protection Act 1994</i> .	Environmental Health Officer
	Manager Governance & Risk <i>State Granted Power</i>	Power, as administering executive, to issue an identity card to each authorised person.	Section 448 <i>Environmental Protection Act 1994</i>	
	Power Retained by CEO <i>State Granted Power</i>	Power, as chief executive officer, to delegate powers as administering executive or otherwise under the Act to an appropriately qualified employee of the local government and authorising sub-delegation by the employee of the powers delegated.	Section 517((2) and (3) <i>Environmental Protection Act 1994</i>	

Date of Authorisation: 1 November 2019

Chief Executive Officer: Linda Cardew

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FOOD ACT 2006

Act / Regulation	Delegated Power	Authorisation	Section and Act	Authorised Employee
FOOD ACT 2006	Power Retained By CEO <i>State Granted Power</i>	Power to appoint an authorised person for the purposes of the <i>Food Act 2006</i> .	Section 168 <i>Food Act 2006</i>	Environmental Health Officer
	Power Retained By CEO <i>State Granted Power</i>	Power, as administering executive, to sign a notice that states the conditions on which an authorised person holds office.	Section 169 <i>Food Act 2006</i>	
	Manager Governance & Risk <i>State Granted Power</i>	Power, as administering executive, to issue an identity card to each authorised person.	Section 170 <i>Food Act 2006</i>	

Date of Authorisation: 1 November 2019

Chief Executive Officer: Linda Cardew

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LOCAL GOVERNMENT ACT 2009

Act / Regulation	Delegated Power	Authorisation	Section and Act	Authorised Employee
LOCAL GOVERNMENT ACT 2009	Power Retained By CEO <i>State Granted Power</i>	Power to appoint a qualified person to be an authorised person.	Section 202(1) <i>Local Government Act 2009</i>	Authorised to Enforce Local Laws. Compliance Officer <i>Animal Management Officer</i>
	<ul style="list-style-type: none"> • Director Infrastructure Services • Director Organisational Business Services <i>State Granted Power</i>	Power to determine the competencies necessary to perform the responsibilities required to be performed by the authorised person.	Section 202(2) <i>Local Government Act 2009</i>	
	Manager Governance & Risk <i>State Granted Power</i>	Power to give written notice of conditions of appointment.	Section 202(5) <i>Local Government Act 2009</i>	
	Manager Governance & Risk <i>State Granted Power</i>	Power to issue an identity card to an authorised person.	Section 204 <i>Local Government Act 2009</i>	
	Power Retained By CEO <i>State Granted Power</i>	Power to authorise an employee of a local government to conduct searches or registers or documents about land in the land registry in accordance with the practice of the registry without payment of a fee.	Section 265A (1) <i>Local Government Act 2009</i>	Land Tenure & Native Title Coordinator

Date of Authorisation: 1 November 2019

Chief Executive Officer: Linda Cardew

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PUBLIC HEALTH ACT 2005

Act / Regulation	Delegated Power	Authorisation	Section and Act	Authorised Employee
PUBLIC HEALTH ACT 2005	Power Retained By CEO <i>State Granted Power</i>	Power to appoint an authorised person for the purposes of the <i>Public Health Act 2005</i> .	Sections 377 and 378 <i>Public Health Act 2005</i>	Environmental Health Officer
	Power Retained By CEO <i>State Granted Power</i>	Power to agree with the chief executive officer of another Council to appoint a Council employee as an authorised person for the other Council.	Section 377(2)(b) <i>Public Health Act 2005</i>	
	Manager Governance & Risk <i>State Granted Power</i>	Power to issue an identity card to each authorised person.	Section 380 <i>Public Health Act 2005</i>	

Date of Authorisation: 1 November 2019

Chief Executive Officer: Linda Cardew

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QUEENSLAND HERITAGE ACT 1992

Act / Regulation	Delegated Power	Authorisation	Section and Act	Authorised Employee
QUEENSLAND HERITAGE ACT 1992	Power Retained By CEO <i>State Granted Power</i>	Power to, by instrument in writing with or without conditions, appoint a local government employee of Council as an authorised person.	Sections 125(2) and 127 <i>Queensland Heritage Act 1992</i>	
	Manager Governance & Risk <i>State Granted Power</i>	Power, as the administering executive, to issue an identity card to each authorised person.	Section 128 <i>Queensland Heritage Act 1992</i>	

Date of Authorisation: 1 November 2019

Chief Executive Officer: Linda Cardew

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STATE PENALTIES ENFORCEMENT ACT 1999

Act / Regulation	Delegated Power	Authorisation	Section and Act	Authorised Employee
STATE PENALTIES ENFORCEMENT ACT 1999	Power Retained By CEO <i>State Granted Power</i>	Power to delegate Council's powers as administering authority under the <i>State Penalties Enforcement Act</i> to an appropriately qualified person.	Section 160 <i>State Penalties Enforcement Act 1999</i>	Authorised to Enforce Local Laws. Compliance Officer Animal Management Officer

Date of Authorisation: 1 November 2019

Chief Executive Officer: Linda Cardew

Signature: 

STOCK ROUTE MANAGEMENT ACT 2002

Act / Regulation	Delegated Power	Authorisation	Section and Act	Authorised Employee
STOCK ROUTE MANAGEMENT ACT 2002	Power Retained By CEO <i>State Granted Power</i>	Power to appoint an authorised person for the purposes of administering and enforcing the provisions of the <i>Stock Route Management Act 2002</i>	Section 244 <i>Stock Route Management Act 2002</i>	Animal Management Officer Compliance Officer
	Power Retained By CEO <i>State Granted Power</i>	Power to give a signed notice with or without conditions or a limit on the authorised person's powers.	Section 245 <i>Stock Route Management Act 2002</i>	Environmental Health Officer Waste Management Coordinator
	Manager Governance & Risk <i>State Granted Power</i>	Power to issue an identity card to an authorised person.	Section 246 <i>Stock Route Management Act 2002</i>	

Date of Authorisation: 1 November 2019

Chief Executive Officer: Linda Cardew

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TOBACCO AND OTHER SMOKING PRODUCTS ACT 1998

Act / Regulation	Delegated Power	Authorisation	Section and Act	Authorised Employee
TOBACCO AND OTHER SMOKING PRODUCTS ACT 1998	Power Retained By CEO <i>State Granted Power</i>	Power to appoint authorised persons for the Act.	Sections 28(2) and 29 <i>Tobacco and Other Smoking Products Act 1998</i>	
	Power Retained By CEO <i>State Granted Power</i>	Power to give an authorised person a signed notice concerning the authorised person's powers.	Section 30 <i>Tobacco and Other Smoking Products Act 1998</i>	

Date of Authorisation: 1 November 2019

Chief Executive Officer: Linda Cardew

Signature: 

**REGISTER OF AUTHORISATIONS (4th REGISTER)
CEO to Employee or Contractor**

WASTE REDUCTION & RECYCLING ACT 2011¹

Act / Regulation	Delegated Power	Authorisation	Section and Act	Authorised Employee
WASTE REDUCTION AND RECYCLING ACT 2011	Power Retained By CEO <i>Council Delegated Power</i>	Power, as delegate of the chief executive administering the Act, to appoint a person as an authorised person. ²	Section 183 <i>Waste Reduction and Recycling Act 2011</i> and	Animal Management Officer Compliance Officer Environmental Health Officer Waste Management Coordinator

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¹ Environmental Protection Regulation 2008

Part 2 and Part 3 of the Regulation relate to Waste Management

Devolution of Chapter 5A Part 2 (Waste Management) & Part 3 (Waste Disposal) (s81ZS & 81ZT) from Chief Executive to Local Government (Environmental Protection Act s514)

Environmental Protection Act

514 (3) On the commencement of the regulation—

- (a) the local government becomes the administering authority for the devolved matter; and
- (b) the local government's chief executive officer becomes the administering executive for the devolved matter; and
- (c) the administration and enforcement of the devolved matter is a function of local government to be performed by the local government for its area.

516 (1)(b) & (2) and 517(2) of the Act permits local governments to sub-delegated power to an employee or contractor

Council must delegate powers of the Chief Executive to the CEO

445(2) permits the CEO to appoint an authorised person under the EPA Act

Authorised persons can then exercise powers under s452, 453,455,456-466 of the Act AND

Section 42(b) of the Waste Reduction & Recycling Regulation provides that a local government employee is a prescribed person for section 183 (1)(c) of the Waste Reduction and Recycling Act (that is, a person prescribed under a regulation)

Matters devolved to a local government (EP Regulation Chapter 7 Part 1 Division 1)

- environmental nuisance - section 440 and 443 of the Act (to the extent it relates to environmental nuisance), including offences relating to nuisance
- noise standards - section 440Q and chapter 8, part 3B, division 3 of the Act, including the offence of contravening a noise standard under section 440Q
- water contamination - chapter 8, part 3C of the Act, including the offence of depositing prescribed water contaminants in waters under section 440ZG
- Waste (includes litter in definition) s13(4)(b) of EPA Act

As litter is included under the definition of Waste and Waste is devolved to a Local Government (as per above) sections 103 and 104 of the WR&R Act (Littering) are offences that can be dealt with by an Authorised Person under the EPA Act (s183)

State Penalties Enforcement Act

S160 allows the delegation of the administering authority's powers to a qualified person.

CSC is the administering authority under the EPA Regulation for Waste (see above).

Therefore CSC can delegate powers under SPER to a qualified person.

² Any appointment of an authorised person must be subject to the limitation that an authorised person can only exercise the powers in section 117 and Chapter 10 of the Act in relation to the following offences:

- Chapter 5, Parts 1, 2 and 3, Division 1 and 2 of the Act;
- Section 251(a);
- Section 251(c);
- Section 254; and
- Section 264.