

**Thursday, 26 November 2020**

**9:00 AM**

Tully Civic Centre  
Council Chambers Level 2  
38-40 Bryant Street  
Tully Q 4854



Cr Mark Nolan - Mayor  
Cr Barry Barnes - Division 1  
Cr Teresa Millwood - Division 2  
Cr Trudy Tschui - Division 3  
Cr Nicholas Pervan - Division 4  
Cr Jeff Baines - Division 5  
Cr Kylie Farinelli - Division 6

# **LOCAL GOVERNMENT MEETING**

## **MINUTES**

### **Welcome**

Cr M Nolan (Chairman) welcomed everyone and opened the Local Government Meeting at 9:00am

### **Present**

Crs M Nolan (Mayor), B Barnes (Deputy Mayor), T Millwood, T Tschui, N Pervan, and K Farinelli, Mr J Gott (Chief Executive Officer), Mr A Sadler (Director Delivery Services), Mr G Singh (Chief Financial Officer), Ms K Slattery (Governance Lead), Ms L Bradley (Manager Finance), Ms V Kerr (Governance Officer), Ms K Hansen (Community Development Officer), Mr D Walker (ICT Customer Support Officer) and Mrs J Sands (Minutes Clerk)

### **Acknowledgement of Country**

The Mayor acknowledged the traditional owners and caretakers of the land on which the meeting is being held and paid his respects to the elders, past, present and emerging.

### **Opening Prayer**

The Mayor welcomed Father Hilary Flynn of the Tully Catholic Church to the meeting and invited Father Flynn to open the meeting prayer.

On completion of the blessing Father Flynn left the meeting at 9:08am.

### **Apologies**

Cr J Baines and Mr J Fischer (Manager Asset Engineering)

### **Declaration of Prescribed Conflicts of Interest and Declarable Conflicts of Interest**

Cr M Nolan (Chairman) invited those present to use this opportunity to make public any Prescribed Conflicts of Interest or Declarable Conflicts of Interest in respect of the Items in the Agenda.

Councillors should use this opportunity to disclose and/or comment on other Councillors and/or Staff interests in accordance with the Act and Regulations.

### **DECLARATION**

No Prescribed Conflicts of Interest or Declarable Conflicts of Interest have been declared.

## **1. CONFIRMATION OF MINUTES**

### **1.1 Minutes of the Local Government Meeting dated 12 November 2020**

Cr T Millwood advised that at the Local Government Meeting held on 12 November she had advised that she was not absent from the room at the Local Government Meeting held on 22 October 2020. It was acknowledged that Cr Millwood had in fact left the room and re-entered the room for other reasons and not because of General Business Item 8.1 Jobs Australia Enterprises Ltd (Speedie Staff Solutions) - Recruitment of Workers.

#### **Recommendation**

**"That the Minutes of the Local Government Meeting held on 12 November 2020 be confirmed as a true and correct record."**

Moved Cr K Farinelli

Seconded Cr N Pervan

Resolution Number LG0866

**"That the Recommendation be adopted."**

FOR: Unanimous

**CARRIED**

## **2. BUSINESS ARISING FROM PREVIOUS MINUTES**

Nil

## **3. COMMUNITY & CULTURE**

### **3.1 Regional Arts Development Fund (RADF) for the October 2020 Funding Round**

#### **Executive Summary**

This report summarises the recommendations of the Regional Arts Development Fund (RADF) Committee for the October 2020 funding round and recommends three (3) applications with a total value of \$21,672 for ratification by Council and endorsement of the 2020-2024 RADF community committee.

#### **Recommendation**

**1. "That Council approve the expenditure of \$21,672 for the three (3) recommended RADF applications for the October 2020 funding round as follows:**

1.	Innisfail & District Historical Society Inc.	\$9,747.00
2.	Mission Beach Community Arts Centre Inc.	\$9,000.00
3.	Mission Beach Tourism Inc.	\$2,925.00

**2. And that Council endorse the 2020-2024 RADF Committee.**

Moved Cr T Tschui

Seconded Cr N Pervan

Resolution Number LG0867

---

**"That the Recommendation be adopted."**

**FOR: Unanimous**

**CARRIED**

9:04am Mr D Goodman (Director Infrastructure Services) entered the meeting

9:04am Mr P McBride (Facilities Asset Manager) entered the meeting

## **4. ORGANISATIONAL CULTURAL DEVELOPMENT**

### **4.1 Proposed Amendments to Organisational Structure - Waste Services**

#### **Executive Summary**

Chapter 6, Division 2, Section 196 (1) of the Local Government Act 2009 states that a local government must, by resolution, adopt an organisational structure that is appropriate to the performance of the local government's responsibilities. It follows that any amendments to the organisational structure are also adopted by resolution of Council. This has occurred in recent times with reports presented to Council accordingly.

Following a resolution in August 2020 for Council's waste transfer station and landfill operations to be changed from contract to day labour, it is essential that the labour structure is established to support delivery of this service.

A project team has been established and have undertaken a review to identify service needs at our transfer stations and landfills. The overall project has been established to realise long term savings in waste operations for the Cassowary Coast Region. Within the project are considerations for changes to the current operating models for the service and identification of further savings to provide effective service delivery to the community.

This report details the changes to the organisational structure in the waste services team necessary to deliver the waste services, which will be provided by Council staff from 1 August 2021 instead of by contractors as is currently the case.

#### **Recommendation**

**"That Council, by resolution:**

**1. Endorse the proposed changes to the organisational structure summarised at Attachment 1 and detailed in the body of this report, as being appropriate to the performance of the local government's responsibilities; enabling the proposed organisation structure to proceed to consultation processes with Unions and employees where necessary in accordance with commitments set out in the Cassowary Coast Regional Council Certified Agreement 2019. Consultation would also extend to employees of the existing contractor that may be recruited to the proposed structure if it is approved by resolution of Council.**

**2. Note that in circumstances where a role may be redundant following any Council decision to approve the implementation of a new structure (following consultation), that opportunities are firstly explored for retraining and redeployment where reasonable and practicable and that redundancy and retrenchment applies as a last resort.**

**3. Continue to have the tip shop operations undertaken by contract. In addition commence**

---

an expression of interest process at the appropriate time for the awarding of contracts for the operation of tip shops to commence on 1 August 2021.”

Moved Cr T Millwood

Seconded Cr K Farinelli

Resolution Number LG0868

"That the Recommendation be adopted."

FOR: Unanimous

CARRIED

9:08am Ms K Hansen left the meeting

9:09am Ms J Szafran (Manager Community Relations & Services) entered the meeting

## **5. GOVERNANCE, ENVIRONMENT & FINANCE**

### **5.1 Delegations Council to Chief Executive Officer Executive Summary**

As per the *Local Government Act 2009*, Section 257, Council is required to update delegations from Council to the Chief Executive Officer when amendments have been made to a particular Act or powers under an existing Act are required for operational purposes.

#### **Recommendation**

“Pursuant to section 257 of the *Local Government Act 2009*, Council resolves to—

1. Delegate the exercise of all powers contained in the *Local Government Regulation 2012* to the Chief Executive Officer;
2. Repeal all prior delegations to the Chief Executive Officer made under the *Local Government Regulation 2012*;
3. These powers must be exercised subject to any limitations as stated in the Instrument of Delegation 'Limitations and Conditions to the Exercise of Power in Appendix 1.'

Moved Cr K Farinelli

Seconded Cr T Millwood

Resolution Number LG0869

"That the Recommendation be adopted."

FOR: Unanimous

CARRIED

---

## **5.2 Policy Review - Various Council Policies**

### **Executive Summary**

Regularly reviewing policies and procedures keeps Councillors, Council staff and other stakeholders up to date with regulations, technology, and industry best practices.

Policy review ensures that policies remain consistent, current, relevant and effective, while also providing clarity to the reader when dealing with accountability issues or activities that are of critical importance to Council such as, health and safety, legal liability, regulatory requirements or issues that have serious consequences.

This report provides the following documents for Council consideration —

- Complaints about the Public Official ORG008
- Council Meeting Standing Orders and Procedures ORG013
- Investigation Policy - Councillor Code of Conduct CCRC002
- Use of Social Media ORG014

### **Recommendation**

**"That Council adopt:-**

- 1. Complaints about the Public Official Policy ORG008**
- 2. Council Meeting Standing Orders and Procedures Policy ORG013**
- 3. Investigation Policy - Councillor Code of Conduct CCRC002**
- 4. Use of Social Media Policy ORG014."**

**Moved Cr T Tschui**

**Seconded Cr N Pervan**

**Resolution Number LG0870**

**"That the Recommendation be adopted."**

**FOR: Unanimous**

**CARRIED**

## **5.3 Finance Report - October 2020**

### **Executive Summary**

The purpose of this report is to promote sound financial management and accountability by presenting the Finance Report and Monthly Council Reporting Package for the period ending 31 October 2020 to Council.

The Chief Financial Officer will be available at the Council Meeting to answer any questions Councillors may have.

### **Recommendation**

**"That the report be received and noted."**

---

Moved Cr K Farinelli

Seconded Cr T Millwood

Resolution Number LG0871

"That the Recommendation be adopted."

FOR: Unanimous

CARRIED

9:22am Ms V Kerr left the meeting

9:24am Mr C Accatino (Asset Engineer) entered the meeting with Ms M Feenan (Member of the Community Consultative Group)

9:26am Mr P McBride left the meeting

## **6. ASSET SUSTAINABILITY**

### **6.1 Capital Works Program Report - Status Update - October 2020**

#### **Executive Summary**

Council has adopted its Capital Works Program for the 2020-21 financial year. The status of individual projects is reported monthly.

#### **Recommendation**

"That Council receive the report and acknowledge the status of Capital Works projects managed by it."

Moved Cr K Farinelli

Seconded Cr T Tschui

Resolution Number LG0872

"That the Recommendation be adopted."

FOR: Unanimous

CARRIED

9:29am Ms L Bradley left the meeting

### **6.2 Asset Management Plans - Improvement Review**

#### **Executive Summary**

One of the key components of each Asset Management Plan is the *Improvement Plan* that details future actions to be undertaken to ensure continuous improvement in the management of Council's assets. Over the past six months Council has made significant progress on its continuous improvement journey in Asset Management, with the completion of 23 improvement items, and 15 new tasks being added to maintain the momentum.

#### **Recommendation**

"That the report be received and noted by Council."

---

**Moved Cr B Barnes**

**Seconded Cr T Tschui**

**Resolution Number LG0873**

**"That the Recommendation be adopted."**

**FOR: Unanimous**

**CARRIED**

### **6.3 Asset Rationalisation Process - Community Consultation Update Executive Summary**

Cassowary Coast Regional Council's vision is to work collaboratively with community to ensure "We Love the Place We Live". The Cassowary Coast Community Consultative group (CCG) will be used in this process to provide feedback on behalf of the community.

Cassowary Coast Regional Council is committed to keep the community informed on the Asset Rationalisation process through regular media releases during the project.

#### **Recommendation**

**"That the report be received and noted."**

**Moved Cr K Farinelli**

**Seconded Cr T Millwood**

**Resolution Number LG0874**

**"That the Recommendation be adopted."**

**FOR: Unanimous**

**CARRIED**

Cr Farinelli offered thanks to Council Staff and the Community Consultative Group (CCG) for all the work done so far and the importance of the involvement and commitment that the CCG have made to provide advice and opinions and their valuable input. Cr Farinelli further added that to take the pressure off of the CCG, she wanted to let the community know that Councillors need to own the process of Asset Rationalisation and this Council would own the decisions that it makes. User groups are encouraged to provide their input to Council Staff and the CCG.

9:57am Ms J Szafran left the meeting

10:04am Ms J Szafran re-entered the meeting

## **7. GENERAL BUSINESS**

### **7.1 Congratulations to Kim Agli and Team - Shire Hall Events**

Cr T Tschui gave a 'shout out' to Kim Agli and her team in relation to the many activities recently held in the Shire Hall at Innisfail which included the Innisfail State College Awards Night, the Good Counsel Graduation night, the Festival of Small Halls and Morning Melodies. Morning Melodies was a successful event and everyone was glad to be back after COVID-19; the people in

---

attendance love being there and doing what they used to do.

### **7.2 Paradise Run**

Cr T Tschui has invited Councillors and the EMT plus anyone else to join in the Paradise Run which is being held on Saturday 28 November commencing at 6:45am; the meeting point is near the South Mission Beach Surf Club. It is a 3Km or 5Km walk or run and a fun thing to join in on the weekend.

### **7.3 Borders Opening- 1 December 2020**

Cr K Farinelli gave a big cheer for the opening of the borders on 1 December 2020 and the opportunity to welcome visitors from Victoria and New South Wales to Far North Queensland and especially our beautiful Cassowary Coast region. Council has put out a media release reinforcing our '*102 things to do on the Cassowary Coast*' and exploring our beautiful region. Council's Comms Team have been asked to look at opportunities for visitors to share their experience on social media platforms using hashtags etc. to help us share what it is that makes Cassowary Coast Region n so special to tourism. People also need to be safe on the roads with much more traffic on the road and also to just 'say hello' and to welcome and share with the visitors the things that locals like to do on the Cassowary Coast.

### **7.4 Clean-up for Whole of Region**

Cr B Barnes requested that a clean-up of the whole region be commenced on the visual pollution and dirty blocks in the region. Cr Millwood mentioned that discussions will need to be held prior to the commencement of any clean up in the region.

10:19am Ms J Szafran and Mr C Accatino left the meeting

### **MOVE INTO COMMITTEE - 10:19am**

**Moved Cr K Farinelli**

**Seconded Cr T Tschui**

**Resolution Number LG0875**

**"That in relation to Agenda Item 7.1, I move, pursuant to Section 275(1)(e) of the Local Government Regulation 2012, that the meeting be closed to the public so that Council can discuss (e) contracts proposed to be made by it.**

**FOR - Unanimous**

**CARRIED**

Morning Tea Break was taken prior to discussing Item 8.1 'In Committee'.

10:35am Mr A Sadler left the meeting

10:36am Mr A Sadler re-entered the meeting

---



**MOVE OUT OF COMMITTEE - 10:57am**

Moved Cr K Farinelli

Seconded Cr T Millwood

Resolution Number LG0876

"That the meeting be re-opened to the public."

FOR - Unanimous

CARRIED

**8. CONFIDENTIAL REPORTS**

**8.1 Contract COL000012 - Tender for tenure of Swing Moorings and Pen Berths - Clump Point Boating Facility**  
**Executive Summary**

The purpose of this report is for Council to award tenure for Pen Berths and Swing Moorings at the newly constructed Clump Point Boating Facility. The Tender Closed on 26 October 2020 and was assessed by a panel of three Council officers on 9 November 2020.

**Recommendation**

"That Council:

- 1. Award the tenure of the Swing Moorings and Pen Berths at the Clump Point Boating Facility as recommended in this report and delegate authority to the Director Infrastructure Services to negotiate the final terms and conditions of the User Agreements; and**
- 2. Acknowledge the process to award future User Agreements to Commercial users and permits to Recreational users if and when available.**
- 3. Note its appointment as Facilities Manager by TMR under the *Transport Infrastructure Act 1994* and delegate to the Director Infrastructure Services the authority to operate the facility in accordance with TMR requirements."**

Moved Cr K Farinelli

Seconded Cr T Millwood

Resolution Number LG0877

"That the Recommendation be adopted."

FOR: Unanimous

CARRIED

---

**9. MEETING CLOSURE**

10:59am There being no further business, the Mayor declared the meeting closed.

**CONFIRMED AS A TRUE AND CORRECT RECORD THIS 10TH DAY OF DECEMBER 2020**

---

**Cr M Nolan, Mayor**



## Item 5.1 – Appendix 1

### Delegable Powers under the Local Government Regulation 2012 ("LOGR")

#### CHAPTER 3 – THE BUSINESS OF LOCAL GOVERNMENTS

##### Part 2 – Business reform, including competitive neutrality

##### Division 7 – Competitive neutrality complaints

##### *Subdivision 2 – Complaint process*

Entity power given to	Section of LOGR	Description	Delegation to the CEO	Sub-Delegation to Officers	Limitations and Conditions
Local Government	53	Power to ensure the public can inspect a copy of the report given to council under section 52.	Yes	Chief Financial Officer (CFO)	<i>See Appendix 1</i>
Local Government	55(4)	Power to, within seven (7) days after making the resolution, give notice of the resolution to: (a) The complainant; and (b) The QCA; and (c) If a corporatised business entity is conducting the business activity—the corporatised business entity.	Yes	CFO	<i>See Appendix 1</i>

##### *Subdivision 3 – Miscellaneous provision*

Entity power given to	Section of LOGR	Description	Delegation to the CEO	Sub-Delegation to Officers	Limitations and Conditions
Local	56(1)	Power to establish a register of business activities to	Yes	CFO	<i>See Appendix 1</i>

Government		which the competitive neutrality principle applies.			
------------	--	---	--	--	--

### Part 3 – Roads and other infrastructure

#### Division 2 – Malls

Entity power given to	Section of LOGR	Description	Delegation to the CEO	Sub-Delegation to Officers	Limitations and Conditions
Local Government	58(2)(b)	Power to permit the use of any part of the mall (including for the use of erecting any structure, for example) on the conditions it considers appropriate.	Yes		<i>See Appendix 1</i>

## CHAPTER 4 – RATES AND CHARGES

### Part 4 – Minimum general rates

Entity power given to	Section of LOGR	Description	Delegation to the CEO	Sub-Delegation to Officers	Limitations and Conditions
Local Government	77(2)	Power to identify, in any way considered appropriate, parcels of rateable land to which a minimum amount of general rates apply.	Yes	CFO Manager Finance (MF) Coordinator Rates (CR)	<i>See Appendix 1</i>

### Part 5 – Differential general rates

#### Division 1 – Introduction

Entity power given to	Section of LOGR	Description	Delegation to the CEO	Sub-Delegation to Officers	Limitations and Conditions
Local Government	81(4)	Power to identify, in any way considered appropriate, the rating category to which each parcel of rateable land in the local government area belongs. Nb. This section is only required where Council is levying differential general	Yes	CFO	<i>See Appendix 1</i>

		rates.			
Local Government	82(2)	Power to decide what rating category the land referred to in subsection (1) should be in. Nb. This section is only required where council is levying differential general rates	Yes	CFO	<i>See Appendix 1</i>

### Division 2 – Entering land to categorise land

Entity power given to	Section of LOGR	Description	Delegation to the CEO	Sub-Delegation to Officers	Limitations and Conditions
Chief Executive Officer	83(1)	Power to appoint a qualified person as a categorisation officer for this division.	This power does not need to be delegated as it is given directly to the CEO under the Act.		<i>See Appendix 1</i>
Local Government	83(2)(b)	Power to authorise a person for the purpose of this division.	Yes		<i>See Appendix 1</i>
Local Government	83(3)	Power to appoint a qualified person as a categorisation officer for this division.	Yes		<i>See Appendix 1</i>
Chief Executive Officer	84(1)	Power to give a categorisation officer an identity card.	This power does not need to be delegated as it is given directly to the CEO under the Act.		<i>See Appendix 1</i>

### Division 3 – Notice of categorisation of land

Entity power given to	Section of LOGR	Description	Delegation to the CEO	Sub-Delegation to Officers	Limitations and Conditions
Local	88(2)	Power to ensure that each relevant rate notice is	Yes	CFO	<i>See Appendix 1</i>

Government		accompanied by, or contains, a rating category statement. Nb. This section is only required where council is levying differential general rates.		MF	
------------	--	---	--	----	--

#### Division 4 – Objecting to rates category

Entity power given to	Section of LOGR	Description	Delegation to the CEO	Sub-Delegation to Officers	Limitations and Conditions
Chief Executive Officer	91(2)	Power to consider the objection and decide: (a) to change the rating category for the land: (i) to the rating category to which the owner claims in the objection notice the land should belong; or (ii) to another rating category; or (b) not to allow the objection.	This power does not need to be delegated as it is given directly to the CEO under the Act.	CFO MF CR	<i>See Appendix 1</i>
Chief Executive Officer	91(3)	Power to give the owner notice of the decision and the reasons for the decision.	This power does not need to be delegated as it is given directly to the CEO under the Act.	CFO MF CR	<i>See Appendix 1</i>

#### Part 6 – Special rates and charges

Entity power given to	Section of LOGR	Description	Delegation to the CEO	Sub-Delegation to Officers	Limitations and Conditions
Local Government	96(2)	Power, in the circumstances referred to in subsection (1) to pay unspent special rates or charges to the current owners of the land on which the special rates or charges were levied. Nb. This section is only required where Council is levying	Yes	CFO	<i>See Appendix 1</i>

		special or charges rates.			
Local Government	97(2)	Power, in the circumstances referred to in subsection (1), to pay unspent special rates or charges to the current owners of the land on which the special rates or charges were levied. Nb. This section is only required where council is levying special or charges rates.	Yes	CFO	<i>See Appendix 1</i>

## Part 9 – Levying and adjusting rates and charges

### Division 1 – Rate notices

Entity power given to	Section of LOGR	Description	Delegation to the CEO	Sub-Delegation to Officers	Limitations and Conditions
Local Government	104	Power to levy rates or charges by a rate notice.	Yes	CFO MF	<i>See Appendix 1</i>
Local Government	105	Power to levy rates or charges by a rate notice.	Yes	CFO MF	<i>See Appendix 1</i>
Local Government	106	Power to levy rates or charges by a rate notice.	Yes	CFO MF	<i>See Appendix 1</i>
Local Government	107	Power to levy rates or charges by a rate notice.	Yes	CFO MF	<i>See Appendix 1</i>
Local Government	108	Power to levy rates or charges by a rate notice.	Yes	CFO MF	<i>See Appendix 1</i>

### Division 2 – Adjusting rates or charges

Entity power given to	Section of LOGR	Description	Delegation to the CEO	Sub-Delegation to Officers	Limitations and Conditions
Local	110	Power, where land becomes, or stops being, rateable	Yes	CFO	<i>See Appendix 1</i>



Government		land, to adjust the rates so that the rates are calculated only on the period when the land was rateable land.		MF CR	
Local Government	111	Power, if the value of the land changes under the Land Valuation Act, to adjust the rates so that the rates are calculated on the new value of the land for the period that starts on the day the change takes affect.	Yes	CFO MF CR	<i>See Appendix 1</i>
Local Government	112	Power, if the land is given a rating category, including a change of rating category, to adjust the general rates so that the rates are calculated on the new or changed rating category for the period that starts on the day the land was given the new or changed rating category.	Yes	CFO MF CR	<i>See Appendix 1</i>

Entity power given to	Section of LOGR	Description	Delegation to the CEO	Sub-Delegation to Officers	Limitations and Conditions
Local Government	113	Power, if the land becomes, or stops being, land on which the local government may levy special rates or charges, to adjust the rates or charges so that the rates or charges are calculated on period when the land was land on which the local government could levy special rates or charges.	Yes	CFO MF CR	<i>See Appendix 1</i>
Local Government	114	Power, if the land becomes, or stops being, land on which the local government may levy special rates or charges, to adjust the rates, or charges so that the rates or charges are calculated on period when the land was land on which the local government could levy special rates or charges.	Yes	CFO MF CR	<i>See Appendix 1</i>
Local Government	115	Power, refund the overpaid amount of rates or charges or recover the amount of rates or charges owing if the rates or charges are paid before they are adjusted.	Yes	CFO MF CR	<i>See Appendix 1</i>

## Part 10 - Concessions

Entity power given to	Section of LOGR	Description	Delegation to the CEO	Sub-Delegation to Officers	Limitations and Conditions
Local Government	122(3)	Power to accept an application from a ratepayer made under subsection (1)(a).	Yes	CFO MF CR	<i>See Appendix 1</i>
Local Government	122(4)	Power to be satisfied that a ratepayer is eligible for a concession granted pursuant to a resolution made under subsection (1)(b).	Yes	CFO MF CR	<i>See Appendix 1</i>
Local Government	124(2)	Power, in the circumstances referred to in subsection (1), to refund the amount of the rebated rates or charges to the ratepayer.	Yes	CFO MF CR	<i>See Appendix 1</i>

## Part 11 – Paying rates and charges

Entity power given to	Section of LOGR	Description	Delegation to the CEO	Sub-Delegation to Officers	Limitations and Conditions
Local Government	130(10)	Power to still allow a discount where satisfied that the ratepayer has been prevented, by circumstances beyond their control, from paying the rates or charges in time to get the discount.	Yes	CFO MF CR	<i>See Appendix 1</i>

## Part 12 – Overdue rates and charges

### Division 3 – Selling or acquiring land for overdue rates or charges

#### Subdivision 2 – Selling land for overdue rates or charges

Entity power given to	Section of LOGR	Description	Delegation to the CEO	Sub-Delegation to Officers	Limitations and Conditions
Local	138(3)	Power to give the State or government entity that has the	Yes	CFO	<i>See Appendix 1</i>

Government		interest in the land under the State encumbrance a notice of the local government's intention to sell the land, before the local government sells the land.		MF CR	
Local Government	140(3)	In certain circumstances, power to give all interested parties a notice of intention to sell the land.	Yes	CFO MF CR	<i>See Appendix 1</i>
Local Government	143(1)	Power to set a reserve price for the <b>land at</b> auction.	Yes		<i>See Appendix 1</i>
Local Government	143(2)	In certain circumstances, power to enter into negotiations with the <b>highest any bidder who attended the at</b> auction to sell the land by agreement.	Yes	CFO MF	<i>See Appendix 1</i>
Local Government	144(1)	Power to prepare the sales notice.	Yes	CFO MF	<i>See Appendix 1</i>
Local Government	144(2)	Power to give the registrar of titles a general request form if land is taken to have been sold at auction to Council.	Yes	CFO MF	<i>See Appendix 1</i>
Local Government	144(4)	Power to decide to offer the land for sale by negotiation.	Yes		<i>See Appendix 1</i>
Local Government	144(5)(a)	Power to give a copy of the sales notice to each interested party who was given a notice of intention to sell the land.	Yes	MF CR	<i>See Appendix 1</i>
Local Government	144(5)(b)	Power to publish the sales notice on the local government's website.	Yes	MF CR	<i>See Appendix 1</i>
Local Government	144(5)(c)	Power to display the sales notice in a conspicuous place in the local government's office.	Yes	MF CR	<i>See Appendix 1</i>
Local Government	144(5)(d)	Power to display the sales notice in a conspicuous place on the land.	Yes	MF CR	<i>See Appendix 1</i>
Local Government	144(5)(e)	Power to take all reasonable steps to publish the sales notice in another way to notify the public about the sale of	Yes	MF CR	<i>See Appendix 1</i>

		the land.			
Local Government	145(2)	Power, in the circumstances set out in subsection (1), to give the registrar of titles an appropriate form.	Yes	CFO	See Appendix 1
Local Government	146	Power to use the proceeds of sale of the land for the purposes and in the order specified.	Yes	CFO	See Appendix 1

### ***Subdivision 3 – Acquiring land for overdue rates or charges***

Entity power given to	Section of LOGR	Description	Delegation to the CEO	Sub-Delegation to Officers	Limitations and Conditions
Local Government	149(2)	In certain circumstances, power to, as soon as practicable, give all interested parties a notice of intention to acquire the land.	Yes	CFO MF CR	See Appendix 1
Local Government	150(2)	Power, in the circumstances set out in subsection (1), to start the procedures to acquire the land.	Yes	CFO MF CR	See Appendix 1
Local Government	151	Power, in the circumstances set out in subsection (1), to start the procedures to acquire the land.	Yes	CFO MF CR	See Appendix 1

## **Part 13 – Land record of local government**

### **Division 1 – Land record**

Entity power given to	Section of LOGR	Description	Delegation to the CEO	Sub-Delegation to Officers	Limitations and Conditions
Local Government	155(1)	Power to decide the reasonable fee to inspect the land record kept by Council.	Yes	CFO	See Appendix 1
Chief Executive	156(2)	In certain circumstances, power to, as soon as practicable, give the ratepayer an information notice about	This power does not need to be	CFO	See Appendix 1

Officer		the amendment.	delegated as it is given directly to the CEO under the Act.	MF CR	
---------	--	----------------	---	----------	--

### Division 3 – Change in ownership of land

Entity power given to	Section of LOGR	Description	Delegation to the CEO	Sub-Delegation to Officers	Limitations and Conditions
Local Government	162	Power to record the details of the new owner in the land record.	Yes	CFO MF CR SRO RAO	<i>See Appendix 1</i>

## CHAPTER 5 – FINANCIAL PLANNING AND ACCOUNTABILITY

### Part 1 – General matters about financial management systems

Entity power given to	Section of LOGR	Description	Delegation to the CEO	Sub-Delegation to Officers	Limitations and Conditions
Local Government	164	Power to keep a written record, in the way required by subsection (2), which states the matters identified in subsection (1).	Yes	CFO MF	<i>See Appendix 1</i>

### Part 5 – Community grants

Entity power given to	Section of LOGR	Description	Delegation to the CEO	Sub-Delegation to Officers	Limitations and Conditions
Local	194(a)	Power to be satisfied:	Yes	CFO	<i>See Appendix 1</i>

Government		(a) the grant will be used for a purpose that is in the public interest; and (b) the community organisation meets the criteria stated in the local government's community grants policy.		Director Delivery Services (DDS) Manager Customer Relations & Services (MCRS)	
------------	--	---	--	--	--

## Part 7 – Public access to particular documents

Entity power given to	Section of LOGR	Description	Delegation to the CEO	Sub-Delegation to Officers	Limitations and Conditions
Local Government	199(2)	Power to allow the public to inspect and purchase copies of the documents referred to in subsection (1)	Yes	CFO Governance Lead (GL)	<i>See Appendix 1</i>

## Part 8 – Local government funds and accounts

### Division 1 – Trust fund

Entity power given to	Section of LOGR	Description	Delegation to the CEO	Sub-Delegation to Officers	Limitations and Conditions
Local Government	200	Power to— 1. establish a trust fund 2. deposit trust money in a financial institution account; and 3. reconcile the assets of the trust fund with the liabilities of the trust fund.	Yes	CFO MF	<i>See Appendix 1</i>
Local Government	201(2)	In certain circumstances, power to transfer money from a trust fund.	Yes	CFO MF	<i>See Appendix 1</i>

### Division 2 – Discretionary funds

Entity power given to	Section of LOGR	Description	Delegation to the CEO	Sub-Delegation to Officers	Limitations and Conditions
Local Government	201B(4)	Power to, after the adoption of the budget by the Local Government, publish a notice containing the prescribed things.	Yes	CFO	<i>See Appendix 1</i>
Chief Executive Officer	202(2)(a)(ii)	In the specified circumstances, power to approve an allocation of the councillor's discretionary funds.	Yes		The Mayor's approval is also required to approve the allocation of councillor's discretionary funds
Chief Executive Officer	202A(2)	In the specified circumstances, power to publish a notice under section 202A(1) on the Local Government's website.	Yes		<i>See Appendix 1</i>

#### Part 9 – Accounting records

Entity power given to	Section of LOGR	Description	Delegation to the CEO	Sub-Delegation to Officers	Limitations and Conditions
Local Government	203	Power to establish separate accounting records for council's— (a) operations; and (b) its trust fund	Yes	CFO MF	<i>See Appendix 1</i>
Chief Executive Officer	204(2)	Power to present the financial report: (a) if the local government meets less frequently than monthly—at each meeting of the local government; or (b) otherwise—at a meeting of the local government once a month.	This power does not need to be delegated as it is given directly to the CEO under the Act.	CFO MF	<i>See Appendix 1</i>

Chief Executive Officer	205(1)	Power to present the local government's annual budget meeting with a statement of estimated financial position.	This power does not need to be delegated as it is given directly to the CEO under the Act.	CFO MF	<i>See Appendix 1</i>
-------------------------	--------	---	--	-----------	-----------------------

**Part 11 – Auditing****Division 1 – Internal Audit Function*****Subdivision 1 – Internal auditing and reporting***

Entity power given to	Section of LOGR	Description	Delegation to the CEO	Sub-Delegation to Officers	Limitations and Conditions
Local Government	207	Power to— (a) prepare an internal audit plan; (b) carry out an internal audit; (c) prepare a progress report for the internal audit; (d) assess compliance with the internal audit plan; and (e) give the documents referred to in subsection (3) to the audit committee.	Yes	CFO GL	<i>See Appendix 1</i>

***Subdivision 2 – Audit committee***

Entity power given to	Section of LOGR	Description	Delegation to the CEO	Sub-Delegation to Officers	Limitations and Conditions
Local Government	210	Power to appoint the members of the audit committee			<i>See Appendix 1</i>

**Division 2 – External auditing**



Entity power given to	Section of LOGR	Description	Delegation to the CEO	Sub-Delegation to Officers	Limitations and Conditions
Local Government	212	Power to give the financial statements referred to in subsections (1) and (2) to the auditor-general.	Yes	CFO MF	<i>See Appendix 1</i>

## Part 12 – Other matters

Entity power given to	Section of LOGR	Description	Delegation to the CEO	Sub-Delegation to Officers	Limitations and Conditions
Local Government	215	Power to give the department's chief executive a notice stating that the local government has paid notional GST for the previous financial year.	Yes	CFO MF	<i>See Appendix 1</i>

## CHAPTER 6 – CONTRACTING

### Part 3 – Default contracting procedures

#### Division 2 – Entering into particular contracts

Entity power given to	Section of LOGR	Description	Delegation to the CEO	Sub-Delegation to Officers	Limitations and Conditions
Local Government	225(3)	Power to not accept any of the quotes received.	Yes	CFO DDS Director Infrastructure Services (DIS) Chief People & Culture Officer (CPCO) GL MF CR	<i>See Appendix 1</i>

Local Government	225(4)	Power to decide to accept a quote.	Yes	CFO DDS DIS CPCO GL MF CR	<i>See Appendix 1</i>
Local Government	225(4)	Power to decide which quote is most advantageous to Council, having regard to the sound contracting principles.	Yes	CFO DDS DIS CPCO GL MF CR	<i>See Appendix 1</i>
Local Government	228(8)	Power to decide not to accept any tenders received.	Yes	CFO DDS DIS CPCO GL MF CR	<i>See Appendix 1</i>
Local Government	228(9)	Power to decide to accept a tender.	Yes	CFO DDS DIS CPCO GL MF	<i>See Appendix 1</i>

				CR	
Local Government	228(9)	Power to decide which tender is most advantageous to Council, having regard to the sound contracting principles.	Yes	CFO DDS DIS CPCO GL MF CR	See Appendix 1

### Division 3 – Exceptions for medium-sized and large-sized contractual arrangements

Entity power given to	Section of LOGR	Description	Delegation to the CEO	Sub-Delegation to Officers	Limitations and Conditions
Local Government	232(2)	In certain circumstances, power to enter into the contract without first inviting written quotes or tenders.	Yes		See Appendix 1
Local Government	232(4)	In certain circumstances, power to <del>invite establish suppliers to tender to be on</del> a register of pre-qualified suppliers.	Yes		See Appendix 1

## CHAPTER 8 – ADMINISTRATION

### Part 1 – Councillors

#### Division 1 – Councillor remuneration

Entity power given to	Section of LOGR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Limitations and Conditions
Local Government	248(1)	Power to consider that, having regard to exceptional circumstances that apply, a councillor of its local	Delegation is not		See Appendix 1

		government is entitled to a different amount of remuneration from the remuneration stated in the remuneration schedule for the category of local government to which the local government belongs.	recommended.		
Local Government	248(2)	Power, in the circumstance identified in subsection (1), to make a submission to the tribunal for approval to pay a councillor an amount of remuneration of more than the maximum amount.	Yes		<i>See Appendix 1</i>

## Division 2 – Reimbursement of expenses and provision of facilities

Entity power given to	Section of LOGR	Description	Delegation to the CEO	Sub-Delegation to Officers	Limitations and Conditions
Local Government	251	Power to notify of the adoption of an expenses reimbursement policy in the way specified in section 251.	Yes	CFO GL	<i>See Appendix 1</i>

## Part 2 – Local government meetings and committees

### Division 1A – Requirements for local government meetings generally

Entity power given to	Section of LOGR	Description	Delegation to the CEO	Sub-Delegation to Officers	Limitations and Conditions
Local Government	254B(1)	Power to publish a notice at least once a year, of the days and times when: (a) its ordinary meetings will be held; and (b) the ordinary meetings of its standing committees will be held.	Yes		<i>See Appendix 1</i>

Local Government	254B(1)	Power to consider it appropriate to publish the notice mention in subsection (1) in other ways.	Yes		<i>See Appendix 1</i>
------------------	---------	---	-----	--	-----------------------

**Division 1 – Local government meetings**

Entity power given to	Section of LOGR	Description	Delegation to the CEO	Sub-Delegation to Officers	Limitations and Conditions
Local Government	258	Power to give written notice of each meeting or adjourned meeting of Council to each councillor.	Yes	CFO	<i>See Appendix 1</i>

**Division 3 – Common provisions for local government and committee meetings**

Entity power given to	Section of LOGR	Description	Delegation to the CEO	Sub-Delegation to Officers	Limitations and Conditions
Local Government	277(1)	Power to publish the notice mentioned in subsection (1).	Yes	CFO	<i>See Appendix 1</i>
Local Government	277(2)	Power to publish the notice mentioned in subsection (1).	Yes	CFO	<i>See Appendix 1</i>

**Part 3 – Local government employees****Division 1 – Disciplinary action against local government employees**

Entity power given to	Section of LOGR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Limitations and Conditions
Chief Executive Officer	279	Power to be satisfied that that the employee has: (a) failed to perform their responsibilities under the Act; or (b) failed to perform a responsibility under the Act in accordance with the local government principles; or (c) taken action under the Act in a way that is not	This power does not need to be delegated as it is given directly to the CEO under the Act.		<i>See Appendix 1</i>

		consistent with the local government principles.			
--	--	--	--	--	--

Entity power given to	Section of LOGR	Description	Delegation to the CEO	Sub-Delegation to Officers	Limitations and Conditions
Chief Executive Officer	282(1)	Power to be satisfied, on reasonable grounds, that a local government employee will be subject to disciplinary action.	This power does not need to be delegated as it is given directly to the CEO under the Act.		<i>See Appendix 1</i>
Chief Executive Officer	282(1)	Power to suspend the employee from duty.	This power does not need to be delegated as it is given directly to the CEO under the Act.		<i>See Appendix 1</i>
Chief Executive Officer	283(1)	Power to give the employee: (a) written notice of the following: (i) the disciplinary action to be taken; (ii) the grounds on which the disciplinary action is taken; (iii) the particulars of conduct claimed to support the grounds; and (b) a reasonable opportunity to respond to the information contained in the written notice.	This power does not need to be delegated as it is given directly to the CEO under the Act.	CFO DIS DDS CPCO GL	<i>See Appendix 1</i>

## Division 2 – Portability of long service leave

Entity power given to	Section of LOGR	Description	Delegation to the CEO	Sub-Delegation to Officers	Limitations and Conditions
Local	287(1)	Power, as a former employer, to pay the new employer an	Yes	CFO	<i>See Appendix 1</i>

Government		amount for the number of days of long service leave that the person is entitled to take because of the person's period of employment with the former employer.		MF	
Local Government	287(3)	Power, as a former employer, to provide the new employer with the information specified in subsection (3)	Yes	CFO MF	<i>See Appendix 1</i>

## Part 5 – Register of interests

### Division 1 – Disciplinary action against local government employees

Entity power given to	Section of LOGR	Description	Delegation to the CEO	Sub-Delegation to Officers	Limitations and Conditions
Local Government	295	Power to make available a copy of the register of interests of councillors available for the inspection by the public at Council's public office and on its website.	Yes	GL	<i>See Appendix 1</i>
Chief Executive Officer	296	In certain circumstances, the power to inform the informed person.	This power does not need to be delegated as it is given directly to the CEO under the Act.	GL	<i>See Appendix 1</i>

## CHAPTER 9 – OTHER PROVISIONS

### Part 3 – Delegation of powers

Entity power given to	Section of LOGR	Description	Delegation to the CEO	Sub-Delegation to Officers	Limitations and Conditions
Chief Executive Officer	305(2)	Power to consider it appropriate to include other information in the register.	This power does not need to be delegated as it is given directly		<i>See Appendix 1</i>

			to the CEO under the Act.		
--	--	--	------------------------------	--	--

#### Part 4 – Process for resolving administrative action complaints

Entity power given to	Section of LOGR	Description	Delegation to the CEO	Sub-Delegation to Officers	Limitations and Conditions
Local Government	306(4)	Power to do all things specified in subsection (4) in relation to Council's complaints management process and administrative action complaints.	Yes	CFO GL	<i>See Appendix 1</i>

#### Part 6 – Loss of local government asset

Entity power given to	Section of LOGR	Description	Delegation to the CEO	Sub-Delegation to Officers	Limitations and Conditions
Chief Executive Officer	307A(1)(b)	Power to form reasonable suspicion that there has been a reportable loss of an asset belonging to the local government.	This power does not need to be delegated as it is given directly to the CEO under the Act.	CFO GL	<i>See Appendix 1</i>
Chief Executive Officer	307A(3)	Power to be satisfied the material loss is also a reportable loss and power to advise the person specified in subsection (3) as soon as practicable but not more than 6 months after the CEO becomes aware of the loss.	This power does not need to be delegated as it is given directly to the CEO under the Act.	CFO GL	<i>See Appendix 1</i>



#### SCHEDULE 4 – PRICING PROVISIONS

Entity power given to	Section of LOGR	Description	Delegation to the CEO	Sub-Delegation to Officers	Limitations and Conditions
Local Government	10(2)	Power to decide the amount for the return on the capital used by a local government in conducting a relevant activity.	Yes	CFO DDS DIS CPCO	<i>See Appendix 1</i>
Local Government	10(2)	Power to form the opinion that a rate is comparable to the rate which a private sector business conducting the activity would be able to obtain the capital in the market.	Yes	CFO DDS DIS CPCO	<i>See Appendix 1</i>
Local Government	10(3)	Power to consider appropriate, for the type of business activity, the split between equity and loan capital and the return appropriate to each.	Yes	CFO DDS DIS CPCO	<i>See Appendix 1</i>
Local Government	55(4)	Power to , within seven (7) days after making the resolution, give notice of the resolution to: (a) The complainant; and (b) The QCA; and (c) If a corporatised business entity is conducting the business activity— the corporatised business entity.	Yes	CFO	<i>See Appendix 1</i>

## Appendix 1 - 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, in exercising delegated power in relation to that matter, the delegate will only commit 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, Council's relations with the public at large.
- 3 The delegate will not exercise any delegated power contrary to a resolution or other decision of 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 effect, 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 delegated power which cannot lawfully be the subject of delegation by Council.