

Diamantina Shire Council

Delegations from the Chief Executive Officer to employees and contractors

These conditions form part of the Register of Delegations by the Chief Executive Officer. The powers specified in that Register are delegated subject to these conditions.

1. Delegate's Responsibilities

- 1.1 Delegates have the responsibility of making decisions on behalf of the Council. That means that decisions may be subject to appeal, or enquiry as to the appropriate uses of administrative procedures. Delegates are therefore expected to exercise their discretion in accordance with the provisions of the law as it would have applied to the Council were it making the decision.
- 1.2 In making decisions, delegates should make themselves aware of any specific Council policies, decisions, local-laws etc. which may be relevant to the proposal. This is a key responsibility which forms an integral part of the delegation.
- 1.3 The delegation does not derogate from the power of the Council or the Chief Executive Officer to act in any matter. Accordingly, decisions which appear to the delegate to be of public interest, controversial, or to have some special importance should be referred to the delegate's supervisor or the Council for determination. The exercise of this judgment should be such that decisions should be referred if the delegate has any doubts about the interest in or significance of the proposal.
- 1.4 A delegation does not cease to have effect merely because the person who was the specified officer or the holder of the specified office when the power was delegated ceases to be the officer or the holder of the office. The power may be exercised by the person for the time being occupying or acting in the office concerned.
- 1.5 A delegated power may be exercised only in accordance with any conditions to which the delegation is subject.
- 1.6 Where a power to decide or approve an application is delegated in this register, the delegation includes the power to:
 - approve the application;
 - approve the application, subject to reasonable and relevant conditions; or
 - refuse the application.

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- 1.7 Where a power to do a thing is delegated in this register, the delegation includes the power not to do it.
- 1.8 A power to grant, issue, renew or approve a thing, includes where appropriate, the power to suspend or repeal it.

2. Compliance with Council Policies, Decisions and CEO Directions

In the exercise of any delegation, the delegate must comply with the requirements of all statutes, local laws, Council's policies, Council decisions and directions from the Chief Executive Officer or the delegates' supervisor. These requirements/directions may be specific to particular action being undertaken or apply generally to actions of a particular type.

3. Sub Delegation

Delegates or officers other than the Chief Executive Officer, **cannot** sub delegate or on-delegate any power delegated.

4. Acting Positions

Officers acting in positions may exercise the powers delegated to that position. Additionally, for short term absences not exceeding two days (example sick leave, recreation leave) the officer undertaking the delegate's duties may exercise the powers delegated to that position.

5. Limit of Delegations

Delegations of authority are limited to the extent of duties and responsibilities contained in each officer's position description.

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Legislation Section	Power Delegated (Conditions)	Delegate
Animal Management (Cats & Dogs) Act 2008		
Section 48(2)	Power to, by notice, ask for further information or documents reasonably required to register a dog	Governance and Environment Manager Governance and Compliance Manager
Section 51(b)	Power to record the information about a registration in the appropriate register.	Governance and Environment Manager Governance and Compliance Manager
Section 55(2)	Power to ask the owner of a dog for other information or documents in the way mentioned in section 48.	Governance and Environment Manager Governance and Compliance Manager
Section 55(4)	Power to: <ul style="list-style-type: none"> • update the information in the relevant register; and • give the owner a notice of the amended information. 	Governance and Environment Manager Governance and Compliance Manager
Section 56(1)	Power to give renewal notice to renew registration for a dog.	Governance and Environment Manager Governance and Compliance Manager
Section 58(2)	Power to ask the owner of a dog for other information or documents in the way mentioned in section 48.	Governance and Environment Manager Governance and Compliance Manager
Section 58(4)	Power to update information in the appropriate register and give a registration device to the owner of the registered dog.	Governance and Environment Manager Governance and Compliance Manager
Section 173(1)(b)	Power to inspect information kept in the regulated dog register.	Governance and Environment Manager Governance and Compliance Manager
Section 173B	Power to inspect information kept in the breeder register.	Governance and Environment Manager Governance and Compliance Manager
Section 174(1)	Power to give notice to the chief executive if a restricted dog is registered in the local government's area or the local government makes a regulated dog declaration in its area.	Governance and Environment Manager Governance and Compliance Manager
Section 175(2)	Power to give the chief executive notice of changed information or notice of a holder's new residential address upon receiving a notice under section 54 or schedule 1.	Governance and Environment Manager Governance and Compliance Manager

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Section 176(3)	Power to respond to the chief executive regarding confirmation of particular information.	Governance and Environment Manager Governance and Compliance Manager
Section 177(1)	Power to keep the dog registry of the local government.	Governance and Environment Manager Governance and Compliance Manager
Section 209(2)	Power to approve forms for use under the Act.	Governance and Environment Manager Governance and Compliance Manager
Civil Aviation Safety Regulations 1998		
Section 139.050	Power to act as Bedourie Aerodrome Manager in accordance with the Bedourie Aerodrome Manual	Infrastructure Manager
Section 139.050	Power to act as Birdsville Aerodrome Manager in accordance with the Birdsville Aerodrome Manual	Infrastructure Manager
Further Education and Training Act		
Section 16	Power to accept training contracts	Governance and Environment Manager Governance and Compliance Manager
Section 21	Power to accept a notice to make minor amendments to training contracts	Governance and Environment Manager Governance and Compliance Manager
	Power to claim government incentives	Governance and Environment Manager Governance and Compliance Manager
Local Government Act 2009		
Section 13	Power to carry out the responsibilities specified in section 13(3) Local Government Act 2009— (a) managing the local government;	
	Procurement limits NOTE: All amounts are exclusive of GST NOTE: Staff with delegations must not authorise purchases where there is a Conflict of Interest eg An officer cannot authorise the purchase of items for their rental property or from a community group of which they are a member. NOTE: Staff with delegations must not authorise purchases of items that are available in the Council Store.	
	\$25,000 (only from their responsible business unit)	Infrastructure Manager Deputy CEO

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Legislation Section	Power Delegated (Conditions)	Delegate
	\$15,000 (only authorising issue of inventory from store relevant to operation of workshop)	Workshop Coordinator
	\$10,000 (only from their responsible business unit)	Community Sustainability Manager Strategic Services Coordinator
	\$5,000 (only for goods and services related to the maintenance of buildings and facilities)	Facilities Maintenance Coordinator
	\$25,000 (only for approved Store Inventory) \$5,000 (only for office supplies, advertising, travel, accommodation, hire cars, conference attendance and associated expenditure).	Finance Coordinator
	\$5,000 (only for office supplies, advertising, travel, accommodation, hire cars, conference attendance and associated expenditure).	Executive Assistant
	\$10,000 (only from their responsible unit)	Governance and Environment Manager Governance and Compliance Manager
	\$15,000 (approved store items only)	Storeperson
	\$1,000 (only from their responsible business unit)	Works Coordinator
	\$1,000 (only authorising issue of inventory from store relevant to the operation of Birdsville Tourist Park and Birdsville Lodge)	Birdsville Tourist Park Manager Birdsville Lodge Manager
	\$500 (only authorising issue of inventory from store)	Roadworks Ganger Multiskill Foreman
	\$500 (only authorising issue of inventory from store relevant to operation of town services)	Town Supervisor Bedourie Town Supervisor Birdsville
Section 13	Power to authorise accounts for payment including payroll	Deputy CEO Infrastructure Manager Governance and Environment Manager Governance and Compliance Manager Finance Officer

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Legislation Section	Power Delegated (Conditions)	Delegate
Section 13	Credit Card Limits	
	Category 3 - general purposes, work related travel expenses and hospitality/ entertainment expenses \$5,000	Mayor Community Sustainability Manager
	Category 3 - general purposes, work related travel expenses and hospitality/ entertainment expenses \$10,000	Infrastructure Manager Deputy CEO Executive Assistant Governance and Environment Manager Governance and Compliance Manager
	Category 1 – general work purposes only \$10,000	Finance Coordinator
Section 196(3)	Power to appoint casual local government employees. Queensland Local Government Industry Award (Stream A, Stream B, and Stream C) – State 2017 with a base weekly wage of up to \$1,000 within area of responsibility.	Community Sustainability Manager Infrastructure Manager Deputy CEO Governance & Environment Manager Governance and Compliance Manager
Section 197(1)	Power to take disciplinary action against a local government employee (excluding dismissal) within area of responsibility.	Community Sustainability Manager Infrastructure Manager Deputy CEO Governance and Environment Manager Governance and Compliance Manager
Local Government Regulation 2012		
Section 212(3)	Power to agree a date with the Auditor General by which the financial statements must be given to the Auditor General.	Deputy CEO
Section 156(1) <i>Local Government Regulation 2012</i>	Power to amend the land record to ensure it is correct and up to date.	Governance and Environment Manager Governance and Compliance Manager

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Legislation Section	Power Delegated (Conditions)	Delegate
Section 156(2) <i>Local Government Regulation 2012</i>	Power, where an amendment of a land record changes the rates or charges that are or may be levied on land, to give the ratepayer an information notice about the amendment.	Governance and Environment Manager Governance and Compliance Manager
Section 204(2) <i>Local Government Regulation 2012</i>	Power to present the financial report at a Council meeting.	Finance Coordinator/Deputy CEO
Section 283(1) <i>Local Government Regulation 2012</i>	Power, to give the employee:- (a) 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 a reasonable opportunity to respond to the information contained in the notice.	Community Sustainability Manager Infrastructure Manager Deputy CEO Governance and Environment Manager Governance and Compliance Manager
Public Sector Ethics Act 1994		
Section 15	Power to ensure that a code of conduct is prepared for Council's employees and officers, including conduct consultation in accordance with the Public Sector Ethics Act 1994.	Infrastructure Manager Deputy CEO
Section 16	Power to conduct consultation regarding Code of Conduct	Infrastructure Manager
Section 19	Power to ensure that each employee and officer of Council has reasonable access to a copy of the approved code of conduct that is relevant to them	Community Sustainability Manager Infrastructure Manager Deputy CEO Governance and Environment Manager Governance and Compliance Manager
Section 20	Power to publish and keep the approved codes of conduct available for inspection and enable people to take a copy if and when required.	Community Sustainability Manager Infrastructure Manager Deputy CEO Governance and Environment Manager Governance and Compliance Manager

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Legislation Section	Power Delegated (Conditions)	Delegate
Section 21	Power to ensure that each employee and officer of Council is provided with appropriate training and education about public sector ethics.	Infrastructure Manager Deputy CEO Governance and Environment Manager Governance and Compliance Manager
Section 22	Power to ensure that the administrative procedures and management practices of Council have proper regard to the Public Sector Ethics Act 1994 and Council's approved codes of conduct.	Community Sustainability Manager Infrastructure Manager Deputy CEO Governance and Environment Manager Governance and Compliance Manager
Residential Tenancies and Rooming Accommodation Act 2008		
Section 8	Power to sign approved RTA forms	Governance and Environment Manager Governance and Compliance Manager
Section 8	Power to sign correspondence with tenants of Council	Governance and Environment Manager Governance and Compliance Manager
Stock Route Management Act 2002		
Section 152	Power to enter land at any reasonable time to build or complete the building of the fence, or do anything necessary to make the fence stock-proof.	Infrastructure Manager Rural Lands Officer Pest & Compliance Officer
Section 155	Power to determine whether it is reasonably necessary to muster stock on relevant land in its area to monitor compliance with— (a) a stock route agistment permit; or (b) a stock route travel permit.	Infrastructure Manager Rural Lands Officer Pest & Compliance Officer
Section 158	Power to enter land at any reasonable time and muster the stock, if the holder does not comply with a mustering notice.	Infrastructure Manager Rural Lands Officer Pest & Compliance Officer

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Legislation Section	Power Delegated (Conditions)	Delegate
Section 161	Power to determine that sufficient pasture will not be available for travelling stock on the network.	Infrastructure Manager Rural Lands Officer Pest & Compliance Officer
Section 167	Power to seize stray stock found on the stock route network in Council's area.	Infrastructure Manager Rural Lands Officer Pest & Compliance Officer
Section 168	Power to give written notice of the seizure to the owner of the seized stock.	Infrastructure Manager Rural Lands Officer Pest & Compliance Officer
Section 169	Power to release stock to a person entitled to possession, where the relevant fees are paid.	Infrastructure Manager Rural Lands Officer Pest & Compliance Officer
Section 170	Power to sell seized stock by public auction or tender or dispose of seized stock in an appropriate manner.	Infrastructure Manager Rural Lands Officer Pest & Compliance Officer
Section 172	Power to destroy the stock in an appropriate manner, where: (a) stock found on the stock route network are stray stock; and (b) it is not practicable to seize the stock under section 167; and (c) it is necessary to destroy the stock in the interests of public safety.	Infrastructure Manager Rural Lands Officer Pest & Compliance Officer
Transport Operations (Road Use Management) Act 1995		
Section 71	Power to maintain and continue official traffic signs installed pursuant to section 71(1) where the chief executive officer is reasonably satisfied that there is a danger, hindrance, obstruction to traffic or other emergency.	Infrastructure Manager Works Coordinator Strategic Services Coordinator

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Legislation Section	Power Delegated (Conditions)	Delegate
Section 100	Power to take all the actions of the chief executive officer of a local government prescribed by section 100 of the Transport Operations (Road Use Management) Act 1995 – for the removal of things from roads, including the giving of notice and determining the manner and terms of their disposal and the disposal of contents.	Infrastructure Manager Works Coordinator Strategic Services Coordinator
Water Act 2000		
Section 99(1)	Power, as a constructing authority or water service provider, to take water to operate public showers or toilets.	Infrastructure Manager
Section 99(2)	Power, as a constructing authority, to take water to construct or maintain infrastructure.	Infrastructure Manager
Advertising Expenditure policy		
Section 3.2.4	Power to advertise Staff Vacancies	Governance and Environment Manager Governance and Compliance Manager
Section 3.2.5	Power to advertise Tenders (only from their responsible unit)	Deputy Chief Executive Officer Infrastructure Manager Community Sustainability Manager Governance and Environment Manager Governance and Compliance Manager
Section 3.2.7	Power to develop marketing campaigns for caravan parks and/or to promote tourism and visitation to the district generally.	Community Sustainability Manager
Section 3.2.7	Power to approve and advertise Community Public Notices (only for their responsible unit) in the Diamantina Shire Council newsletter and distribute via Council's community email groups.	Deputy Chief Executive Officer Infrastructure Manager Community Sustainability Manager Governance and Environment Manager Governance and Compliance Manager
Housing Policy		
All sections 3.1.2	Power to approve applications made by tenants.	Governance and Environment Manager Governance and Compliance Manager
3.1.11	Power to approve furniture issues and disposals	Governance and Environment Manager Governance and Compliance Manager

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Legislation Section	Power Delegated (Conditions)	Delegate
Miscellaneous		
	Power to approve Private Plant Hire Applications	Infrastructure Manager
	Power to approved Private Works Applications up to \$5000 in value	Infrastructure Manager
	Power to sign Rates Searches, QFES Returns, Pensioner Returns, Outstanding Rates Letters	Governance and Environment Manager Governance and Compliance Manager
	Power to sign Licences to Occupy	Governance and Environment Manager Governance and Compliance Manager
	Power to sign Statements of Employment requested by employees and Financial Institutions on the resignation/termination of employees.	Governance and Environment Manager Governance and Compliance Manager
Provision of Discounts, Donations and Sponsorships Policy		
Section 3.1	Donations and/or discounts of Council owned goods and services to charitable and not for profit organisations based in the Diamantina Shire (such as, but not limited to, community groups, emergency services, volunteer organisations, sporting clubs and similar associations, charities and emergency services groups and agencies). Up to a value of \$250	Community Sustainability Manager Infrastructure Manager Deputy CEO
Section 3.2	Provision and/or discounts of Council owned goods and services to Media who, in return for Council's goods and services, will promote the Council area (such as, but not limited to, radio, television and newspaper media, online news services including blog and vlog journalists, online and social media influencers) Up to a value of \$250	Community Sustainability Manager
Section 3.3	Provision and/or discounts of Council goods and services to Tourism promotion organisations who, in return for Council's goods and services, will promote the Council area (such as, but not limited to, Federal and State tourism agencies, Regional Tourism Organisations and local tourism bodies and groups) Up to a value of \$250	Community Sustainability Manager

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Section 3.4	Provision and/or discounts of Council owned goods and services to Travel trade employees who, in return for Council's goods and services, will achieve a greater knowledge of the Council area to pass on to their clients (such as, but not limited to, Visitor Information Centre employees from other nearby Council areas, travel agents whom it can be reasonably expected of that they have opportunities to promote the area to their clients and employees of nearby attractions and other visitor economy enterprises who can use the knowledge gained to promote the Council area). Up to a value of \$250	Community Sustainability Manager
Section 3.5	Donations and/or discounts of Council owned goods and services to people and organisations who require an empathic, compassionate and altruistic response due their immediate pressing circumstances (such as, but not limited to, people who through a series of unfortunate events are stranded in the Diamantina Shire Council area and require basic needs until they can get safely home, people experiencing natural disasters in the Council area and other situations requiring an altruistic response (determined by the CEO) Up to a value of \$250	Community Sustainability Manager
Section 3.6	Sponsorship through donations and/or discounts of Council owned goods and services to event management organisations and/or not for profit/charitable event operators (such as, but not limited to, private event organisers, charitable/not for profit event organisers including community clubs and associations and any other individual or organisation hosting an event in the Diamantina Shire, or at a location that a reasonable person would expect promotion of the Diamantina Shire area) Up to a value of \$250	Community Sustainability Manager