

## 1. Short title

This instrument's short title is Delegation Instrument – LGD-2019-1.

## 2. Interpretation

In this instrument –

**delegation** means delegate or subdelegate.

**function** includes duty.

*Note –*

*For a law which is –*

- 1. an Act, see Acts Interpretation Act 1954, section 36, Schedule 1; and*
- 2. a statutory instrument, see Statutory Instruments Act 1992, section 14.*

**law** means the following –

- (a) an Act as defined in the *Acts Interpretation Act 1954, Schedule 1*;
- (b) a statutory instrument as defined in the *Statutory Instruments Act 1992, section 7*;
- (c) any other applicable law.

**power** includes the following –

- (a) authority;

*Note –*

*For a law which is –*

- 1. an Act, see Acts Interpretation Act 1954, section 36, Schedule 1; and*
- 2. a statutory instrument, see Statutory Instruments Act 1992, section 14.*

- (b) doing an act or making a decision for the purposes of performing a function.

*Note –*

*For a law which is –*

- 1. an Act, see Acts Interpretation Act 1954, section 27A(16); and*
- 2. a statutory instrument, see Statutory Instruments Act 1992, section 14.*

**provision** means for a law which is –

- (a) an Act, see Acts Interpretation Act 1954, section 36, Schedule 1; and
- (b) a statutory instrument, see Statutory Instruments Act 1992, section 14 and section 17.

### **3. Delegator**

The Schedule, Column 1, states the person or body which is the delegator.

### **4. Delegated powers or functions**

(1) The Schedule, Column 2, states the following –

- (a) the provisions of the law authorising the delegation;
- (b) the provisions of the law permitting or requiring the exercise of the powers or functions which are the subject of the delegation;
- (c) the description of the powers or functions which are the subject of the delegation.

*Example for paragraph (b) –*

*For a law permitting the delegation of a power or function, see –*

1. *for the local government – as a delegator, see Local Government Act 2009, section 257(1), and as a subdelegator, see Economic Development Act 2012, section 169(3);*
2. *for the chief executive officer – as a delegator and subdelegator, see Local Government Act 2009, section 259(1);*
3. *for an employee or contractor of the local government – as a subdelegator see Environmental Protection Act 1994, section 517(3); and*
4. *for the Mayor or Deputy Mayor – as a delegator see Local Government Act 2009, section 258(1) and section 196(5).*

(2) However subsection (1) does not apply to a delegation of a power or function which is not expressly authorised by the law authorising the delegation.

*Note –*

*For restrictions on subdelegation for a law which is –*

1. *an Act, see Acts Interpretation Act 1954, section 27A(12), and*
2. *a statutory instrument, see Statutory Instruments Act 1992, section 14 and section 16.*

*Example –*

*For a law not permitting the delegation of a power or function –*

1. *for the local government – a power which must be exercised by a resolution, see Local Government Act 2009, section 257(3);*
2. *for the chief executive officer – the following powers, see Local Government Act 2009, section 259(2) –*
  - *a power of the local government delegated by the local government to the chief executive officer, if the local government has directed the chief executive officer not to further delegate the power; and*

- *a power to keep a register of interests;*
- 3. *for an employee or contractor of the local government – a power or function delegated to the employee or contractor by the chief executive officer, if the chief executive officer has not permitted the employee or contractor to further subdelegate the power or function to another employee or contractor, see Environmental Protection Act 2009, section 517(3); and*
- 4. *for the Mayor – the power to give directions to the chief executive officer or senior executive employees, see Local Government Act 2009, section 258(2).*

**5. Delegate**

The Schedule, Column 3, states the person or body which is the delegate.

**6. Conditions to which the delegation is subject**

The Schedule, Column 4, states any conditions to which the delegation is subject.

## Schedule      Delegation Instrument – LGD-2019-1

Act, statutory instrument or other applicable law
<i>Acquisition of Land Act 1967</i>
<i>Animal Management (Cats and Dogs) Act 2008</i>
<i>Biosecurity Act 2014</i>
<i>Body Corporate and Community Management Act 1997</i>
<i>Body Corporate and Community Management (Accommodation Module) Regulation 2008</i>
<i>Body Corporate and Community Management (Commercial Module) Regulation 2008</i>
<i>Body Corporate and Community Management (Small Schemes Module) Regulation 2008</i>
<i>Body Corporate and Community Management (Standard Module) Regulation 2008</i>
<i>Body Corporate and Community Management (Specified Two-lot Schemes Module) Regulation 2011</i>
<i>Building Act 1975</i>
<i>Building Regulation 2006</i>
<i>Disaster Management Act 2003</i>
<i>Disaster Management Regulation 2014</i>
<i>Economic Development Act 2012</i>
<i>Economic Development Regulation 2013</i>
<i>Environmental Protection Act 1994</i>
<i>Environmental Protection Regulation 2019</i>
<i>Environmental Protection (Water and Wetland Biodiversity) Policy 2019</i>
<i>Fire and Emergency Services Act 1990</i>
<i>Food Act 2006</i>
<i>Food Production (Safety) Act 2000</i>
<i>Gaming Machine Act 1991</i>
<i>Heavy Vehicle National Law Act 2012 / Heavy Vehicle National Law (Queensland)</i>
<i>Information Privacy Act 2009</i>
<i>Land Act 1994</i>
<i>Land Valuation Act 2010</i>
<i>Liquor Act 1992</i>
<i>Local Government Act 2009</i>
<i>Local Government Regulation 2012</i>
<i>Neighbourhood Disputes (Dividing Fences and Trees) Act 2011</i>
<i>Planning Act 2016</i>
<i>Planning Regulation 2017</i>
<i>Planning and Environment Court Act 2016</i>
<i>Plumbing and Drainage Act 2018</i>
<i>Plumbing and Drainage Regulation 2019</i>
<i>Prostitution Act 1999</i>
<i>Public Health Act 2005</i>
<i>Public Health (Infection Control for Personal Appearance Services) Act 2003</i>
<i>Public Interest Disclosure Act 2010</i>
<i>Public Records Act 2002</i>
<i>Queensland Building &amp; Construction Commission Act 1991</i>
<i>Queensland Reconstruction Authority Act 2011</i>
<i>Residential Services (Accreditation) Act 2002</i>
<i>Right to Information Act 2009</i>

<b>Act, statutory instrument or other applicable law</b>
<i>South-East Queensland Water (Distribution and Retail Restructuring) Act 2009</i>
<i>State Penalties Enforcement Act 1999</i>
<i>Stock Route Management Act 2002</i>
<i>Summary Offences Act 2005</i>
<i>Summary Offences Regulation 2016</i>
<i>Survey and Mapping Infrastructure Act 2003</i>
<i>Tobacco and Other Smoking Products Act 1998</i>
<i>Transport Infrastructure Act 1994</i>
<i>Transport Operations (Road Use Management) Act 1995</i>
<i>Transport Operations (Road Use Management - Vehicle Registration) Regulation 2010</i>
<i>Trusts Act 1973</i>
<i>Waste Reduction and Recycling Act 2011</i>
<i>Waste Reduction and Recycling Regulation 2011</i>
<i>Water Act 2000</i>
<i>Water Fluoridation Act 2008</i>
<i>Water Supply (Safety and Reliability) Act 2008</i>
<i>Workers' Compensation and Rehabilitation Act 2003</i>
<i>Workers' Compensation and Rehabilitation Regulation 2014</i>
<i>Local Law No.1 (Administration) 2013</i>
<i>Local Law No.3 (Commercial Licensing) 2013</i>
<i>Local Law No.4 (Permits)</i>
<i>Local Law No 5 (Parking)</i>
<i>Local Law No.6 (Animal Management) 2013</i>
<i>Local Law No 7 (Government Controlled Areas and Roads) 2013</i>
<i>Local Law No 8 (Nuisances and Community Health and Safety) 2013</i>
<i>Local Law No.49 (Protection of Important Vegetation)</i>