



Delegation No: 2013-54
 Version: (2)

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DELEGATION OF AUTHORITY	
TITLE: <i>Unitywater</i>	
Delegation by Council to: Chief Executive Officer	Council Resolution date & No.: ▼
Source of Authority: <i>Corporations Act 2001 (Cth)</i> <i>Local Government Act 2009 (Qld) – Section 257</i> <i>South-East Queensland Water (Distribution and Retail Restructuring) Act 2009</i> and Regulations Northern SEQ Distributor-Retailer Authority Participation Agreement – Clauses <u>7.2, 7.3 & 7.16(a)</u>	

Deleted: 28 February 2013 OM1

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Deleted: 6.2 & 6.3

Delegated Power:

1. The Authority:

- (a) to sign documents to appoint and remove board members of Unitywater in accordance with clauses 7.2 and 7.3 of the Northern SEQ Distributor-Retailer Authority Participation Agreement;
- (b) to sign documents to appoint and remove a board member as Chairman of the Board of Unitywater in accordance with clause 7.16(a) of the Northern SEQ Distributor-Retailer Authority Participation Agreement; and
- (c) to negotiate, agree and execute terms and conditions of loan and other agreements and deeds with Unitywater and Queensland Treasury Corporation (QTC).

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Delegation Criteria:

- 2. The powers conferred by this delegation must be exercised in accordance with the legislation conferring the authority, including any obligations which are imposed in exercising the power.
- 3. The powers conferred by this delegation must not be exercised in circumstances where the power is not capable of delegation under sections 257, 257A, 258 and 259 of the *Local Government Act 2009*.
- 4. When exercising this delegation the delegated officer must:
 - (a) consult with the Mayor and, where necessary, any other councillor holding an associated portfolio responsibility;
 - (b) obtain and consider legal and/or financial advice as appropriate, in relation to any loan agreements and deeds;
 - (c) consider the financial sustainability of council and the best interests of the community; and
 - (d) comply with any resolutions from council with regards to exercising the powers of a Unitywater member.

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Delegated Administrative Procedure:

5. The delegated officer must make and keep a record of all instances of where this delegation has been exercised.

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(a) . maintain a record of all instances where this delegation has been exercised.