

DELEGATION OF AUTHORITY

TITLE: *Unitywater*

Delegation by Council to:
Chief Executive Officer

Council Resolution date & No.:

Source of Authority:

Corporations Act 2001 (Cth)

Local Government Act 2009 (Qld) – Section 257

South-East Queensland Water (Distribution and Retail Restructuring) Act 2009 and Regulations
Northern SEQ Distributor-Retailer Authority Participation Agreement – Clauses 7.2, 7.3 & 7.16(a)

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).

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.

Delegated Administrative Procedure:

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