

DA	BUSH FIRES ACT 1954 – LEGAL PROCEEDINGS	OLCS3
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DELEGATED AUTHORITY CODE:	OLCS3
DIRECTORATE:	Executive Support Department
BUSINESS UNIT:	Executive Services
SERVICE UNIT:	Executive Services
RESPONSIBLE OFFICER:	Director, Governance & Community Services
FILE NO.:	086/003
DATE FIRST ADOPTED:	1997
DATE LAST REVIEWED:	13 June 2019
ATTACHMENTS:	N/A
VERSION NO.	9

Dates of Amendments / Reviews:		
DAPPS Meeting:	24 May 2012	26 May 2016
	23 May 2013	18 May 2017
	22 May 2014	24 May 2018
	2 June 2015	23 May 2019
OCM:	14 June 2007	11 June 2015
	14 June 2012	9 June 2016
	13 June 2013	8 June 2017
	12 June 2014	14 June 2018

FUNCTION DELEGATED:

That by virtue of a written instrument of delegation the delegates herein mentioned have the expressed authority to issue infringement notices and institute legal proceedings on behalf of the City of Cockburn pursuant to section 59(3) of the Bush Fires Act 1954.

CONDITIONS/GUIDELINES:

All delegates have the individual carriage and conduct of matters initiated.

- (1) Consider offences alleged to have been committed against this Act in the district of the local government and, if the delegate thinks fit, to institute and carry on proceedings in the name of the local government against any person alleged to have committed any of those offences in the district.
- (2) All transactions utilising this delegation are to be recorded in the Recording of Delegations Decisions Register by the officer responsible for initiating the action taken, or by another officer under the direction of the initiating officer.

AUTONOMY OF DISCRETION:

Bush Fires Act 1954,
s59(3) Prosecution of Offences

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s59A(2) Alternative Procedure - Infringement Notices

LEGISLATIVE REQUIREMENTS/COUNCIL POLICY:

Bush Fires Act 1954

s59(3) (*Delegation by the local government*)

DELEGATE:

Director, Governance & Community Services – institute legal proceedings only

Manager, Recreation & Community Safety - institute legal proceedings only

Chief Bush Fire Control Officer

Ranger and Community Safety Services Manager - institute legal proceedings only

Emergency Management Co-ordinator

Emergency Management Officer

Senior Ranger

Ranger

SUB-DELEGATE/S:

Nil

(No statutory power provided to sub-delegate [s48(3)].)