

DA	BUSH FIRES ACT 1954 – LEGAL PROCEEDINGS	
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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:	10 September 2020
ATTACHMENTS:	N/A
VERSION NO.	10

Dates of Amendments / Reviews:		
DAPPS Meeting:	24 May 2012	18 May 2017
	23 May 2013	24 May 2018
	22 May 2014	23 May 2019
	2 June 2015	27 August 2020
	26 May 2016	
OCM:	14 June 2007	9 June 2016
	14 June 2012	8 June 2017
	13 June 2013	14 June 2018
	12 June 2014	13 June 2019
	11 June 2015	

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 City's record keeping system (ECM) by the delegated officer, or by another officer directed by the delegated officer.

AUTONOMY OF DISCRETION:

Bush Fires Act 1954,

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s59(3) Prosecution of Offences
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
Fire & Emergency Management Officer
Senior Ranger
Ranger
CoSafe Team Leader

SUB-DELEGATE/S:

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