

<b>DA</b>	<b>LOCAL GOVERNMENT ACT, 1995 – LEGAL PROCEEDINGS</b>	<b>LGAES5</b>
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<b>DELEGATED AUTHORITY CODE:</b>	LGAES5
<b>DIRECTORATE:</b>	Governance & Community Services
<b>BUSINESS UNIT:</b>	Executive Services
<b>SERVICE UNIT:</b>	Executive Services
<b>RESPONSIBLE OFFICER:</b>	Director, Governance & Community Services
<b>FILE NO.:</b>	086/003
<b>DATE FIRST ADOPTED:</b>	1997
<b>DATE LAST REVIEWED:</b>	14 June 2018
<b>ATTACHMENTS:</b>	N/A
<b>VERSION NO.</b>	8

<b>Dates of Amendments / Reviews:</b>		
DAPPS Meeting:	24 May 2012 23 May 2013 22 May 2014 2 June 2015	26 May 2016 18 May 2017 24 May 2018
OCM:	9 June 2011 14 June 2012 13 June 2013 12 June 2014	11 June 2015 9 June 2016 8 June 2017

**FUNCTION DELEGATED:**

The Authority to initiate legal proceedings and the signing of prosecution complaint forms in relation to breaches appurtenant to the Local Government Act, 1995, (Part 9 Division 2).

**CONDITIONS/GUIDELINES:**

- (1) Copy of duly completed Summons of Complaint form to be retained.
- (2) Any delegate has the authority to deal with such matters relevant to this declaration.
- (3) All transactions utilising this delegation are to be recorded in the Recording of Delegated Decisions Register by the officer responsible for initiating the action taken, or by another officer under the direction of the initiating officer.

*Delegate to be satisfied that:-*

- (a) All other avenues to attain compliance that have been exhausted or;
- (b) The alleged offender has been convicted of the same or a similar offence in the past or;
- (c) The alleged offender has been formally warned on another occasion or;

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(d) the nature of the offence is such so as to warrant immediate prosecution action

**AUTONOMY OF DISCRETION:**

As indicated in conditions (1) to (3) and (a) to (d) above.

**LEGISLATIVE REQUIREMENTS/COUNCIL POLICY:**

Local Government Act, 1995.

**DELEGATE:**

Chief Executive Officer

Note: The Chief Executive Officer will further sub-delegate this authority to:-

**SUB-DELEGATE/S:**

Director, Governance & Community Services  
Director, Engineering & Works  
Director, Finance & Corporate Services  
Director, Planning & Development  
Manager, Building Services  
Manager, Environmental Health  
Manager, Statutory Planning  
Manager, Financial Services