

DA	LOCAL GOVERNMENT ACT, 1995 – LEGAL PROCEEDINGS	LGAES5
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DELEGATED AUTHORITY CODE:	LGAES5
DIRECTORATE:	Governance & Community Services
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:	8 June 2017
ATTACHMENTS:	N/A
VERSION NO.	7

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

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

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AUTONOMY OF DISCRETION:

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

LEGISLATIVE REQUIREMENTS/COUNCIL POLICY:

Local Government Act, 1995.
Local Government Act Local Laws.

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