



DELEGATION OF AUTHORITY

DELEGATION NO:	2009-17 (V2.0)
DELEGATION TITLE:	Administration and Enforcement of the Public Health (Infection Control for Personal Appearance Services)
Delegation from Council to:	Chief Executive Officer
Date and Resolution No.:	
Delegation from the Chief Executive Officer to: Refer attached schedule	Date
Source of Authority: <i>Local Government Act 2009 – Section 257 & 259</i> <i>Public Health (Infection Control for Personal Appearance Services) Act 2003</i>	

Delegated Power:

1. To administer and enforce the *Public Health (Infection Control for Personal Appearance Services) Act 2003 (the Act)*, for the local government area as defined in section 9 of the Act.
2. To exercise the powers of the local government under the Act including, but without limitation the following:
 - (a) consider all applications, renewals, amendments, transfers and replacement for licences and determine whether to grant or refuse the application, renewal, transfer, replacement;
 - (b) issue a single licence to cover an application or renewal of 2 (two) or more premises;
 - (c) grant an application for a licence;
 - (d) decide whether a person is suitable to hold a licence;
 - (e) assess the suitability of an application and premises;
 - (f) assess the suitability to an application for renewal of an applicant and premises;

- (g) decide whether a premises is suitable for providing high risk personal appearance services;
 - (h) give notice to an applicant and/or licensee;
 - (i) impose conditions;
 - (j) decide an earlier date to end a licence;
 - (k) form a belief;
 - (l) issue a show cause notice;
 - (m) issue a remedial notice;
 - (n) determine whether grounds exist for the suspension or cancellation of a licence;
 - (o) issue an information notice;
 - (p) suspend a licence immediately;
 - (q) make an agreement with a licensee;
 - (r) notify the first local government;
 - (s) take action under the Act as the first local government;
 - (t) monitor compliance with the Act by having authorised persons inspect places of business in the local government's area and recover monitoring costs from business proprietors;
 - (u) charge a business proprietor an inspection fee;
 - (v) prosecute a business proprietor;
 - (w) extend time for applying for a review of council's original decision;
 - (x) review an original decision and make a determination;
 - (y) issue a notice of the original decision;
 - (z) issue a notice of the further decision (the review decision);
 - (aa) apply to the court for an order against the person for payment of the costs incurred by council;
 - (bb) deal with a thing forfeited to council, including destroying the thing;
 - (cc) commence proceedings against a person; and
 - (dd) approve forms.
3. To exercise the powers of the local government under the Act including, but without limitation the following:
- (a) appoint authorised persons; and
 - (b) apply conditions to an authorised person's powers.
4. To exercise the powers of the local government under the *Local Government Act 2009*, including, but without limitation the following:
- (a) act for the local government in legal proceedings including the authority to:
 - (i) give instructions and act as the authorised agent for the local government;
 - (ii) effect substituted service; and
 - (iii) sign all documents for the local government.

Delegation Criteria:

5. The Delegated Officer may exercise the powers of Council in accordance with the powers delegated in paragraph 1 of this delegation in respect of:
 - (a) power to grant a licence only if council is satisfied that the applicant-
 - (i) is suitable to hold a licence; and
 - (ii) the premises at which the higher risk personal appearance services are to be provided are suitable for providing the service.
6. The delegated officer may only exercise the powers of the local government as delegated under this delegation in accordance with the relevant provisions as outlined in the Act and the *Local Government Act 2009*.

Delegation Administrative Procedure:

7. 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 (e.g. performing the function or exercise the power in a way that best achieves the object of the Act).
8. 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.
9. The delegated officer must make and keep a register of all instances of where this delegation has been exercised.
10. Unless compliance would be contrary to any law, compliance with the policies and codes of conduct of the local government must be achieved.