



## DELEGATION OF AUTHORITY

<b>DELEGATION NO:</b>	2009-18 (V2.0)
<b>DELEGATION TITLE:</b>	Animal Management (Cats and Dogs)
<b>Delegation from Council to:</b>	Chief Executive Officer
<b>Date and Resolution No.:</b>	
<b>Delegation from the Chief Executive Officer to:</b> Refer attached schedule	<b>Date</b>
<b>Source of Authority:</b> <i>Local Government Act 2009</i> <i>Animal Management (Cats and Dogs) Act 2008</i>	

### Delegated Power:

1. To exercise the powers of the local government under *Animal Management (Cats and Dogs) Act 2008* (the **Act**) including, but without limitation the following:
  - (a) give identifying information to particular persons;
  - (b) recognise a body supervising an:
    - (i) exhibition; and or
    - (ii) obedience trial
  - (c) give a registration notice;
  - (d) keep registration form and information;
  - (e) require applicant to give a stated document or information;
  - (f) grant or refuse a permit application;
  - (g) decide whether desexing is likely to be a serious risk to the health of a dog;
  - (h) to keep the dog registry of the local government;
  - (i) sign a certificate about the state of, or a fact in, a record of the local government;  
and

- (j) approve forms for use under the Act.
2. To exercise the powers of the local government under the Act with regards to restricted and regulated dogs including, but without limitation the following:
- (a) impose conditions on the grant of an application for a restricted dog permit;
  - (b) issue a restricted dog permit;
  - (c) issue a decision notice;
  - (d) grant or refuse a renewal application;
  - (e) seek further information;
  - (f) issue a renewed permit;
  - (g) amend a restricted dog permit;
  - (h) give and/or withdraw a dog owner a proposed declaration notice;
  - (i) consider any written representations and evidence within a period stated in a proposed declaration notice and make a regulated dog declaration;
  - (j) give a notice about a decision;
  - (k) destroy a surrendered regulated dog;
  - (l) recover reasonable seizure or destruction costs;
  - (m) give notice of a proposed inspection program;
  - (n) include other information considered appropriate in the general register;
  - (o) authorise an employee to verify a copy of a document;
  - (p) inspect information kept in the regulated dog register;
  - (q) give notice to the chief executive if a restricted dog is registered in the local government's area or the local government makes a regulated dog declaration in its area;
  - (r) give the chief executive notice of changed information or notice of a holder's new residential address upon receiving a notice; and
  - (s) respond to the chief executive regarding confirmation of particular information.
3. To exercise the powers of the local government under the Act with regards to animal registration including, but without limitation the following:
- (a) ask for further information;
  - (b) record the information about a registration in the appropriate register;
  - (c) ask the owner of a dog for other information or documents;
  - (d) update the information in the relevant register;
  - (e) give the owner a notice of the amended information;
  - (f) give renewal notice to renew registration for a dog;
  - (g) ask the owner of a dog for other information or documents; and
  - (h) update information in the appropriate register and give a registration device to the owner of the registered dog;

4. To exercise the powers of the local government under the Act with regards to the appointment of authorised persons including, but without limitation the following:
  - (a) appoint authorised persons;
  - (b) determine conditions, and sign a signed notice;
  - (c) issue an identity card to each authorised person;
  - (d) accept a resignation from an authorised person in the form of a signed notice; and
  - (e) collect the identity card of a person who ceases to be an authorised person.
5. To exercise the powers of the local government under the Act with regards to a reviewable decision including, but without limitation the following:
  - (a) accept an application for an internal review of a decision made by council or an authorised person appointed by council;
  - (b) extend the time for making a general review application;
  - (c) conduct an internal review of a concurrent regulated dog declaration and a destruction order at the same time;
  - (d) conduct an internal review and make a decision to confirm, amend or substitute the original decision; and
  - (e) issue the applicant with a notice of internal review decision.
6. 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:**

7. 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:**

8. 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).
9. 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*.
10. The delegated officer must make and keep a register of all instances of where this delegation has been exercised.

11. Unless compliance would be contrary to any law, compliance with the policies and codes of conduct of the local government must be achieved.