



DELEGATION OF AUTHORITY

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| DELEGATION NO: | 2009-24 (V2.0) |
| DELEGATION TITLE: | Land Protection (Pest and Stock Route Management) |
| 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</i> <i>Land Protection (Pest and Stock Route Management) Act 2002</i> <i>Stock Act 1915</i> | |

Delegated Power:

1. To exercise the powers of the local government under the *Land Protection (Pest and Stock Route Management) Act 2002* (the **Act**) including, without limitation the following:
 - (a) develop, draft, prepare, review or renew council's stock route management plans;
 - (b) direct an authorised person;
 - (c) enter land to build or complete the building of a fence or make the fence stock proof;
 - (d) determine whether it is reasonably necessary to muster stock on relevant land;
 - (e) enter land to muster stock;
 - (f) determine that sufficient pasture will not be available for travelling stock on the network;
 - (g) seize stray stock found on the stock route network;
 - (h) give written notice of seizure of seized stock;

- (i) release stock to a person entitled to possession;
 - (j) sell seized stock by public auction or tender or dispose seized stock;
 - (k) destroy stock in an appropriate manner, where;
 - i. stock found on the stock route network are stray stock; and
 - ii. where is not is practical to seize stock;
 - iii. it is necessary to destroy stock in the interest of public safety.
 - (l) issue and give a notice or make a request;
 - (m) take action and comply with any notice and provide any information requested by the Minister;
 - (n) grant, refuse, renew, amend, impose conditions, amend conditions and cancel a permit;
 - (o) ask for further information or documents about an application;
 - (p) require the return of a permit;
 - (q) consider it necessary to build a stock-proof fence on the boundary of land adjoining a stock route network;
 - (r) manage and conserve pasture on a stock route network;
 - (s) require an owner to reduce the number of stock on the land; and
 - (t) consent to the burning or removal of pasture.
2. To exercise the powers of the local government under the *Stock Act 1915* including, without limitation the following:
- (a) destroy stray diseased stock found on any road or land under council control.
3. To exercise the powers of the local government under the *Land Protection (Pest and Stock Route Management) Act 2002* including, without limitation the following:
- (a) develop, draft, prepare, review or renew Council's pest management plans;
 - (b) issue an emergency quarantine notice;
 - (c) direct an authorised person to take action under an emergency quarantine notice;
 - (d) issue a pest control notice;
 - (e) consider, grant or refuse the compliance period for a pest control notice;
 - (f) consider, grant or refuse a change to the required action;
 - (g) issue an information notice;
 - (h) issue an entry notice;
 - (i) authorise a pest controller to take action stated in the notice; and
 - (j) give notice of a proposed pest survey program.
4. To exercise the powers of the local government under the *Land Protection (Pest and Stock Route Management) Act 2002* including, without limitation the following:
- (a) appoint an authorised person;

- (b) issue an identity card.
5. To exercise the powers of the local government under the *Local Government Act 2009*, including, 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:

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, *Stock Act 1915* 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.