



## DELEGATION OF AUTHORITY

<b>DELEGATION NO:</b>	2009-28 (V2.0)
<b>DELEGATION TITLE:</b>	Public Health
<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>Public Health Act 2005</i> <i>Public Health Regulation 2005</i>	

### Delegated Power:

1. To exercise the powers of the local government as the issuing authority under the *Public Health Act 2005* (the **Act**) including, without limitation the following:
  - (a) administer and enforce the powers under the Act;
  - (b) apply to a magistrate for an order enforcing a public health order;
  - (c) enter a place;
  - (d) recover an amount, plus interest;
  - (e) lodge with the registrar of titles;
  - (f) consult with the chief executive;
  - (g) enter into an agreement with the chief executive;
  - (h) give a notice;
  - (i) inspect a thing and copy a document;

- (j) apply to the court for an order; and
  - (k) deal with a thing forfeited.
2. To exercise the powers of the local government under the Act including, without limitation the following:
- (a) agree with and consult with, the chief executive;
  - (b) exercise the powers the local government has agreed to exercise pursuant to an agreement made by the State under the Act;
  - (c) sign and provide a certificate;
  - (d) agree to the chief executive authorising the local government to undertake a prevention and control program;
  - (e) agree to the appointment of a council employee;
  - (f) appoint an authorised person;
  - (g) issue an identity card to an authorised person;
  - (h) approve a systematic or selective inspection program;
  - (i) publish notice of an approved inspection program;
  - (j) charge a fee to a person; and
  - (k) approve forms.
3. To exercise the powers of the local government under the *Public Health Regulation 2005* including, without limitation the following:
- (a) administer and enforce Part 1A, Divisions 1, 2 and 3; and
  - (b) approve a site for the disposal of asbestos waste.
4. 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:**

5. 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, *Public Health Regulation 2005* and the *Local Government Act 2009*.

**Delegation Administrative Procedure:**

6. 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).
7. 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.
8. The delegated officer must make and keep a register of all instances of where this delegation has been exercised.
9. Unless compliance would be contrary to any law, compliance with the policies and codes of conduct of the local government must be achieved.