

## DELEGATION OF AUTHORITY

# PROSECUTIONS / LEGAL PROCEEDINGS

<b>Function to be performed:</b>	<p>Serve a notice and/or undertake legal proceedings and/or prosecutions for any breach, offence or claim for which it is the duty of the local government to enforce under any of the following legislation:</p> <ul style="list-style-type: none"> <li>• <i>Local Government Act 1995</i> and associated Regulations,</li> <li>• <i>Local Government (Miscellaneous Provisions) Act 1960</i>,</li> <li>• <i>Building Act 2011</i></li> <li>• Council's Local Laws.</li> <li>• <i>Public Health Act 2016</i> (refer to conditions)</li> </ul> <p>Officers will use best endeavours to resolve specific issues through mediation and other means. Legal proceedings will only be initiated where necessary to resolve each specific matter dependant on the nature of the breach, offence or claim.</p>
<b>Delegator:</b>	Council of the City of Mandurah
<b>Delegate:</b>	Chief Executive Officer
<b>Sub-delegation to:</b>	Director Corporate Services
<b>Legislative Powers:</b>	<ul style="list-style-type: none"> <li>• Sections 9.24(1)(c), (2)(b) and 5.42 of the <i>Local Government Act 1995</i></li> <li>• Sections 127(6A) and 133 of the <i>Building Act 2011</i></li> <li>• Sections 21 and 280 of the <i>Public Health Act 2016</i></li> <li>• Sections 6.56 and 6.64 of the <i>Local Government Act 1995</i></li> </ul>
<b>Conditions / Exceptions:</b>	<ol style="list-style-type: none"> <li>1) Proceedings under the <i>Public Health Act 2016</i> cannot be sub-delegated and must be undertaken by the Chief Executive Officer;</li> <li>2) If in the opinion of the CEO or delegated officer, the situation warrants it, the initiation of the prosecution will be referred to Council for approval.</li> <li>3) For legal proceedings relating to recovery of rates or service charges unpaid, the conditions are in accordance with the Council Policy.</li> </ol>
<b>Duration of delegation:</b>	Until the next annual review

<b>Origin of Delegation:</b>	Minute G.26/03/09, 17 March 2009
<b>Delegation last reviewed:</b>	Minute G.14/2/20, 25 February 2020
<b>Sub-delegation last amended:</b>	6 March 2018