

# DELEGATIONS



*Reviewed May 2021 – Adopted 19 July 2021; Reviewed August 2022 – Adopted 15 August 2022;  
Reviewed May 2023 - Adopted 17 July 2023; Reviewed August 2023 - Adopted 18 September 2023;  
Reviewed February 2024 - Adopted 20 May 2024; Reviewed September 2025 - Adopted 17 November 2025*

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A Council, in writing, may delegate with or without conditions to the General Manager, any of its functions or powers under any Act.

*S.22 Local Government Act 1993 (subject to restrictions).*

The General Manager, in writing, may delegate to an employee of the Council

- (a) any functions or powers under any Act, other than this power of delegation; and
- (b) any functions or powers delegated by the Council which the Council authorised the General Manager to delegate.

*S.64 Local Government Act 1993.*

If an Act confers a power on a person to delegate a function or power, the person may, in accordance with the Act, delegate the function or power to

- (a) a person by name; or
- (b) the holder of a particular office or position by reference to the title of the office or position concerned, whether or not the office or position is vacant at the time of the delegation.

*S.23AA(1) of the Acts Interpretation Act 1931.*

If a function or power is delegated to a particular officer or the holder of a particular office or position

- (a) the delegation does not cease to have effect merely because the person who was the particular officer or the holder of the particular office or position when the function or power was delegated ceases to be that officer or the holder of that office or position; and
- (b) the function or power may be performed or exercised by the person for the time being occupying or acting in the office or position concerned.

*S.23AA(5) of the Acts Interpretation Act 1931.*

A function or power that has been delegated may, notwithstanding the delegation, be exercised by the delegator.

*S.23AA(6) of the Acts Interpretation Act 1931.*

Pursuant to the powers of the *Local Government Act 1993* the Council hereby delegates the exercise and performance of the following functions and powers to the General Manager and/or an Officer/employee of Council on the following conditions:

- i. Each delegation is subject to the conditions or restrictions (if any) referred to in the table to this delegation.
- ii. Each delegation is subject to such policies, policy guidelines and directions as the Council may from time to time approve.
- iii. Each delegation is subject to Council's By-laws or the provision of any Act.
- iv. Each delegation includes any person acting in the delegated positions.

For and on behalf of the Break O'Day Council

The Break O'Day Council pursuant to a resolution of Council Number 11/25.13.4.626 dated 17 November 2025 hereby approved these delegations.

Signed on the 17 day of November 2025



*COUNCILLOR MICK TUCKER*  
*MAYOR*



*JOHN BROWN*  
*GENERAL MANAGER*

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# 1 - Archives Act 1983

This register is maintained in compliance with section 22 (4) of the *Local Government Act 1993* (Tas).

## Notes on Delegation

(1) A council, in writing, may delegate with or without conditions to the general manager, any of its functions or powers under any Act: s.22 *Local Government Act 1993* (Tas) (subject to restrictions).

(2) The general manager, in writing, may delegate to an employee of the council (a) any functions or powers under any Act, other than this power of delegation; and (b) any functions or powers delegated by the council which the council authorised the general manager to delegate: s.64 *Local Government Act 1993* (Tas).

(3) If an Act confers a power on a person to delegate a function or power, the person may, in accordance with the Act, delegate the function or power to (a) a person by name; or (b) the holder of a particular office or position by reference to the title of the office or position concerned, whether or not the office or position is vacant at the time of the delegation: s.23AA(1) *Acts Interpretation Act 1931* (Tas).

(4) If a function or power is delegated to a particular officer or the holder of a particular office or position (a) the delegation does not cease to have effect merely because the person who was the particular officer or the holder of the particular office or position when the function or power was delegated ceases to be that officer or the holder of that office or position; and (b) the function or power may be performed or exercised by the person for the time being occupying or acting in the office or position concerned: s.23AA(5) *Acts Interpretation Act 1931* (Tas).

(5) A function or power that has been delegated may, notwithstanding the delegation, be exercised by the delegator: s.23AA(6) *Acts Interpretation Act 1931* (Tas).

## Notes on the Register (see table)

### Note 1:

(a) This section is to be populated by councils. It is suggested entries only be made in this column when the executed instrument of delegation is sighted by the officer making the entry. This will avoid this table being incorrectly relied on with respect to what instruments of delegation have been executed.

(b) Councils may delegate functions and powers to a particular office or position eg - Senior Environmental Health Officer: s.23AA *Acts Interpretation Act 1931* (Tas)

### Note 2:

This section of the table is to be populated by councils. Conditions or restrictions on the exercise of a power or function can be imposed by the person making the delegation (s.23AA *Acts Interpretation Act 1931* (Tas) & s.22 *Local Government Act 1993* (Tas)). Conditions or restrictions may also be contained in the legislation.

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
1	S10(1)	Preservation of State Records Council is to keep proper records of the business of the local authority for which that relevant authority is responsible	Nil conditions or restrictions	General Manager Business Services Manager Corporate Services Coordinator	Council
2	S11	Transfer of State Records to Archives Office Council is to transfer state records to archives office	Nil conditions or restrictions	General Manager Business Services Manager Corporate Services Coordinator	Council
3	S15(3)	Conditions may be imposed on the making of State Archives available for public inspection Giving notice to State Archivist and the imposition of conditions for availability for inspection	Nil conditions or restrictions	General Manager Business Services Manager Corporate Services Coordinator	Council

## 2 - Biosecurity Act 2019

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No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
1	S31(1)(b)	Appointment of Authorised Officer	The Secretary of the Department may appoint an employee of a Council to be an authorised officer for the purpose of the Biosecurity Act	General Manager Manager Infrastructure and Development Services Development Services Coordinator Works Operations Manager NRM Facilitator Weeds Officer	Council General Manager

### 3 - Biosecurity Regulations 2022

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(3) If an Act confers a power on a person to delegate a function or power, the person may, in accordance with the Act, delegate the function or power to (a) a person by name; or (b) the holder of a particular office or position by reference to the title of the office or position concerned, whether or not the office or position is vacant at the time of the delegation: s.23AA(1) *Acts Interpretation Act 1931* (Tas).

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No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
1	Regulation 25	<p>Payments to Council of Public Account</p> <p>(1) Any payments made in respect of an infringement notice –</p> <p>(a) are payable to a council, if the notice was served by an authorised officer who is an employee of the council; ...</p> <p>(2) A council may charge a person a fee for –</p> <p>(a) the provision by the council to the person of any information requested by the person from the council under the Act; or</p> <p>(b) the carrying out of any inspection, analysis or other function under the Act in respect of the person by an authorised officer who is an employee of the council.</p>	<p>Reg. 25(3) A fee charged under subregulation (2) is –</p> <p>(a) to be no more than is necessary to cover the reasonable costs and expenses incurred in connection with the provision of information, or the inspection, analysis or other function that was carried out by the authorised officer under the Act in respect of the person; and</p> <p>(b) recoverable in a court of competent jurisdiction as a debt due and owing to the council.</p>	<p>General Manager</p> <p>Manager Infrastructure and Development Services</p> <p>Development Services Coordinator</p> <p>Works Operations Manager</p> <p>NRM Facilitator</p> <p>Weeds Officer</p>	<p>Council General Manager</p>

## 4 - Building Act 2016

This register is maintained in compliance with section 22 (4) of the *Local Government Act 1993* (Tas).

### Notes on Delegation

- (1) A council may delegate to any person any of its powers and functions under the Building Act 2016, other than the power of delegation: s.8(3) of the Building Act 2016.
- (2) The council of a municipal area is the permit authority for the municipal area.
- (3) A function or power of the permit authority is only to be performed or exercised by the 'licensed person', within the meaning of the Occupational Licensing Act 2005, nominated by the council in its capacity as a 'licensed entity' under the Occupational Licensing Act 2005.
- (4) The general manager may delegate any functions or powers delegated by the Council which the Council authorised the general manager to delegate: s.64(b) of the Local Government Act 1993.
- (5) If an Act confers a power on a person to delegate a function or power, the person may, in accordance with the Act, delegate the function or power to (a) a person by name; or (b) the holder of a particular office or position by reference to the title of the office or position concerned, whether or not the office or position is vacant at the time of the delegation: s.23AA(1) Acts Interpretation Act 1931(Tas).
- (6) If a function or power is delegated to a particular officer or the holder of a particular office or position (a) the delegation does not cease to have effect merely because the person who was the particular officer or the holder of the particular office or position when the function or power was delegated ceases to be that officer or the holder of that office or position; and (b) the function or power may be performed or exercised by the person for the time being occupying or acting in the office or position concerned: s.23AA(5) Acts Interpretation Act 1931(Tas).
- (7) A function or power that has been delegated may, notwithstanding the delegation, be exercised by the delegator: s.23AA(6) Acts Interpretation Act 1931(Tas).
- (8) Where the operation of a provision of an Act is dependent upon the opinion, belief, or state of mind in relation to a matter of a person specified in that Act and any of the powers or functions of that person have been delegated, in pursuance of that Act, to some other person, that provision may operate upon the opinion, belief, or state of mind of the delegate in relation to that matter: s.23A(2) Acts Interpretation Act 1931(Tas).

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No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
1	S27(2), (3) & (4)	Records of Permit Authority Make information retained pursuant to S.27(2) available to the persons specified in S.27(3), and to provide a copy of that information upon payment of a fee	Nil conditions or restrictions	General Manager Development Services Coordinator Building Surveyor Technical Officer Development Services Project Officer Environmental Health Officer Manager Infrastructure and Development Services Development Services Administration Officer - Building	Council
2	Part 6	Protection Work Take all steps required to be taken in relation to protection work and insurance cover in circumstances where the Council is either the owner of the premises where building work, plumbing work or demolition work will be carried out, or the responsible person for that work	Excludes the ability to pay or agree to pay compensation pursuant to S.89.	Development Services Coordinator Building Surveyor Project Officer Environmental Health Officer Manager Infrastructure and Development Services	General Manager
3	Part 6	Notice of Proposed Protection Work Take all steps required to be taken in relation to protection work and insurance cover in circumstances where the Council is the owner of an adjoining premises to a premises where building work, plumbing work or demolition work will be carried out	Excludes the ability to pay or agree to pay compensation pursuant to S.89.	Development Services Coordinator Building Surveyor Project Officer Environmental Health Officer Manager Infrastructure and Development Services	General Manager
4	S265(3) & (4)	Failure to comply with emergency, building or plumbing order Perform works where there has been failure to comply with an emergency, building or plumbing order	Nil conditions or restrictions	General Manager Development Services Coordinator Manager Infrastructure and Development Services Environmental Health Officer Building Surveyor	Council

5	S266	Possession of building Take proceedings to obtain possession of a building or temporary structure if any occupier fails to allow any person to do work pursuant to S265	Nil conditions or restrictions	General Manager Development Services Coordinator Technical Officer Development Services Project Officer Environmental Health Officer Building Surveyor	Council
6	S269	Recovery of performance costs If a person fails to perform the work required by any order under this Part within a specified time, the council may enter land or a building and perform the required work and may recover its expenses as a charge on the land and recoverable as if it were rates or charges under the Local Government Act 1993	Nil conditions or restrictions	General Manager Development Services Coordinator Technical Officer Development Services Project Officer Manager Infrastructure and Development Services Building Surveyor	Council
7	S271(1)	Purchasing buildings and materials Councils may sell a building for removal or after demolishing a building, sell the materials on the premises for removal	Nil conditions or restrictions	General Manager Development Services Coordinator Technical Officer Development Services Project Officer Manager Infrastructure and Development Services Building Surveyor	Council
8	S271(2)	Purchasing buildings and materials Grant the purchaser of a building sold pursuant to S271(1) all of the powers council has under S265	Nil conditions or restrictions	General Manager Development Services Coordinator Technical Officer Development Services Project Officer Manager Infrastructure and Development Services Building Surveyor	Council

9	S271(6)	Purchasing buildings and materials Authority to pay, on behalf of the council, the owner of the building or materials sold under subsection (1) the balance of any proceeds of the sale after deducting any reasonable expenses incurred by it	Nil conditions or restrictions	General Manager Development Services Coordinator Technical Officer Development Services Project Officer Manager Infrastructure and Development Services Building Surveyor	Council
10	S310	Prosecution of offences Proceedings for an offence against this Act or the Regulations are to be commenced by an authorised person within the period of 2 years from the date on which evidence of the alleged offence first came to the attention of any authorised person	Nil conditions or restrictions	Development Services Coordinator Technical Officer Development Services Project Officer Manager Infrastructure and Development Services Building Surveyor Environmental Health Officer	General Manager

## 5 - Building Regulations 2016

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### Notes on Delegation

(1) A council may delegate to any person any of its powers and functions under the Building Act 2016, other than the power of delegation: s.8(3) of the Building Act 2016.

(2) The council of a municipal area is the permit authority for the municipal area.

(3) A function or power of the permit authority is only to be performed or exercised by the 'licensed person', within the meaning of the Occupational Licensing Act 2005, nominated by the council in its capacity as a 'licensed entity' under the Occupational Licensing Act 2005.

(4) The general manager may delegate any functions or powers delegated by the Council which the Council authorised the general manager to delegate: s.64(b) of the Local Government Act 1993.

(5) If an Act confers a power on a person to delegate a function or power, the person may, in accordance with the Act, delegate the function or power to (a) a person by name; or (b) the holder of a particular office or position by reference to the title of the office or position concerned, whether or not the office or position is vacant at the time of the delegation: s.23AA(1) Acts Interpretation Act 1931(Tas).

(6) If a function or power is delegated to a particular officer or the holder of a particular office or position (a) the delegation does not cease to have effect merely because the person who was the particular officer or the holder of the particular office or position when the function or power was delegated ceases to be that officer or the holder of that office or position; and (b) the function or power may be performed or exercised by the person for the time being occupying or acting in the office or position concerned: s.23AA(5) Acts Interpretation Act 1931(Tas).

(7) A function or power that has been delegated may, notwithstanding the delegation, be exercised by the delegator: s.23AA(6) Acts Interpretation Act 1931(Tas).

(8) Where the operation of a provision of an Act is dependent upon the opinion, belief, or state of mind in relation to a matter of a person specified in that Act and any of the powers or functions of that person have been delegated, in pursuance of that Act, to some other person, that provision may operate upon the opinion, belief, or state of mind of the delegate in relation to that matter: s.23A(2) Acts Interpretation Act 1931(Tas).

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No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
1	R43(1)	Plumbing work involving network utility operator's stormwater drainage systems A person must not perform plumbing work unless written consent to do so has been obtained from the relevant network utility operator	Nil Conditions or Restrictions	Development Services Coordinator Technical Officer Development Services Project Officer Building Surveyor Manager Infrastructure and Development Services	Council
2	R43(3)	Plumbing work involving network utility operator's stormwater drainage systems If not satisfied that a stormwater drainage system is sealed in accordance with the Act, enter the premises and perform any work necessary	Nil Conditions or Restrictions	Development Services Coordinator Technical Officer Development Services Project Officer Building Surveyor Manager Infrastructure and Development Services Environmental Health Officer	Council
3	R43(5)(a)	Plumbing work involving network utility operator's stormwater drainage systems Recover costs as a charge under the Local Government Act 1993	Nil Conditions or Restrictions	Development Services Coordinator Technical Officer Development Services Manager Infrastructure and Development Services	Council
4	R53	Riverine inundation Assessment of land as having a reasonable probability of flooding	Nil Conditions or Restrictions	Development Services Coordinator Technical Officer Development Services Project Officer Building Surveyor Manager Infrastructure and Development Services Environmental Health Officer	Council
5	R78(3)	Permit authorities may perform maintenance work Recover costs as a charge under the Local Government Act 1993	Nil Conditions or Restrictions	Development Services Coordinator Technical Officer Development Services Manager Infrastructure and Development Services	Council

## 6 - Burial and Cremation Act 2019

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No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
CEMETERIES					
1		<p>COUNCIL AS CEMETERY MANAGER</p> <p>The Council delegates the following functions and powers of the Council in its capacity as cemetery manager pursuant to the Burial and Cremation Act 2019 (except the setting of fees), to the General Manager and authorises the General Manager to delegate those functions and powers.</p>	The ultimate responsibility for the cemetery will remain with the Council, as cemetery manager.	General Manager	Council
2	S29(1)(c)	<p>Interment otherwise than in cemetery</p> <p>The General Manager's written permission (and the landholder's and Director of Public Health) is required to inter human remains otherwise than in a cemetery.</p>	Nil Conditions or Restrictions	<p>Manager Infrastructure and Development Services</p> <p>Works Operations Manager</p> <p>Works Support Officer</p> <p>Environmental Health Officer</p>	General Manager
3	S29(4)	<p>Interment otherwise than in cemetery</p> <p>The General Manager must ensure Council keep a record of the proposed interment and ensure it is included on any S337 LGA certificate issued by Council.</p>	Nil Conditions or Restrictions	<p>Manager Infrastructure and Development Services</p> <p>Works Operations Manager</p> <p>Works Support Officer</p> <p>Environmental Health Officer</p>	General Manager
4	S29(5)	<p>Interment otherwise than in cemetery</p> <p>Permission given by the General Manager under S.29(1)(c) may be subject to any conditions necessary to ensure that the proposed interment will not be prejudicial to public health or public safety.</p>	Nil Conditions or Restrictions	<p>Manager Infrastructure and Development Services</p> <p>Works Operations Manager</p> <p>Works Support Officer</p> <p>Environmental Health Officer</p>	General Manager
5	S34(1)	<p>Duties and powers of cemetery managers</p> <p>Keep a cemetery in accordance with the Act so as not to be prejudicial to public health or public safety.</p>	Nil Conditions or Restrictions	<p>Manager Infrastructure and Development Services</p> <p>Works Operations Manager</p> <p>Works Support Officer</p> <p>Environmental Health Officer</p>	General Manager
6	S34(2)	<p>Duties and powers of cemetery managers</p> <p>Ensure that as far as reasonably practicable the cemetery is maintained to prevent it from falling into disrepair, or from being defaced or damaged. Rectify and disrepair or defacement as soon as possible.</p>	Nil Conditions or Restrictions	<p>Manager Infrastructure and Development Services</p> <p>Works Operations Manager</p> <p>Works Support Officer</p>	General Manager

7	S34(4)	Duties and powers of cemetery managers Keep all prescribed records (as per 2002 Act – see Schedule 1 Part 2).	Nil Conditions or Restrictions	Manager Infrastructure and Development Services Works Operations Manager Works Support Officer	General Manager
8	S34(5)	Duties and powers of cemetery managers Permit any person access free of charge at any reasonable time.	Nil Conditions or Restrictions	Manager Infrastructure and Development Services Works Operations Manager Works Support Officer	General Manager
9	S34(7)	Duties and powers of cemetery managers A cemetery manager may a) Improve, embellish and enlarge a cemetery under the management of that manager; and b) Restrict interments in any portion of the cemetery, except as may be required by an exclusive right of burial; and c) Take any other action as may be required for the reasonable management and maintenance of the cemetery	Nil Conditions or Restrictions	Manager Infrastructure and Development Services Works Operations Manager Works Support Officer	General Manager
10	S39(1)	Monuments, &c. The cemetery manager may permit any vault or grave to be made or dug, and any monument to be erected or placed, in any portion of the cemetery on payment of the fee which has been fixed for doing so.	Nil Conditions or Restrictions	Manager Infrastructure and Development Services Works Operations Manager Works Support Officer	General Manager
11	S39(2)	Monuments, &c. The cemetery manager may determine the position of any monument to be erected or placed according to its description, size and character and having regard to the general plan for ornamenting the cemetery in an appropriate manner.	Nil Conditions or Restrictions	Manager Infrastructure and Development Services Works Operations Manager Works Support Officer	General Manager
12	S39(3)	Monuments, &c. The cemetery manager may enter into an agreement for the maintenance of a vault, grave or monument.	Nil Conditions or Restrictions	Manager Infrastructure and Development Services Works Operations Manager Works Support Officer	General Manager

13	S40(1)	Requirement to remove monuments The cemetery manager may provide notice to require a person to take down or remove a monument or to render it safe, if a monument has been erected or placed contrary to the terms and conditions on which the permission to erect or place it was granted or, in the opinion of the cemetery manager, it is unsafe.	Nil Conditions or Restrictions	Manager Infrastructure and Development Services Works Operations Manager Works Support Officer	General Manager
14	S40(3)(c)	Removal of certain monuments in cemeteries To make enquiries to find a person who erected or placed a monument.	Nil Conditions or Restrictions	Manager Infrastructure and Development Services Works Operations Manager Works Support Officer	General Manager
15	S40(3)(d)	Removal of certain monuments in cemeteries Render the monument safe or take the monument down and remove.	Nil Conditions or Restrictions	Manager Infrastructure and Development Services Works Operations Manager Works Support Officer	General Manager
16	S40(3)(e)	Removal of certain monuments in cemeteries Recover in a court the reasonable cost of rendering the monument safe or taking a monument down and removing it.	Nil Conditions or Restrictions	Manager Infrastructure and Development Services Works Operations Manager Works Support Officer	General Manager
17	S40(6)	Removal of certain monuments in cemeteries Provide notice of the removal of a monument and arrange for it to be re-erected if there is an agreement pursuant to S.40(4) which meets the requirements of the Act.	Nil Conditions or Restrictions	Manager Infrastructure and Development Services Works Operations Manager Works Support Officer	General Manager
18	S41(2)	Exclusive right of burial Grant an exclusive right of burial. Note: The cemetery manager must issue a certificate of exclusive right under the Burial and Cremation Regulations 2015 R.37.	Nil Conditions or Restrictions	Manager Infrastructure and Development Services Works Operations Manager Works Support Officer	General Manager
19	S42(2)	Notification of possible cemeteries The General Manager of a Council is to notify the regulator as soon as practicable after becoming aware land within municipal area is a cemetery or contains more than one monument and is not covered by an entry in the register (S.14).	Nil Conditions or Restrictions	Manager Infrastructure and Development Services Works Operations Manager Works Support Officer	General Manager

20	S52(1)(a)	Sale of Cemetery – Notice Cemetery manager must publish notice of intention (in prescribed form see S.52(2)) to sell cemetery.	Nil Conditions or Restrictions	Manager Infrastructure and Development Services Works Operations Manager Works Support Officer	General Manager
21	S52(1)(b)	Sale of Cemetery – Notice to Exclusive right holders Cemetery manager must notify in writing each person who holds exclusive right of burial or other exclusive write of intention to sell cemetery.	Nil Conditions or Restrictions	Manager Infrastructure and Development Services Works Operations Manager Works Support Officer	General Manager
22	S52(1)(c)	Sale of Cemetery – Certificate of Compliance Cemetery manager must apply for certificate of compliance in respect of proposed sale.	Nil Conditions or Restrictions	Manager Infrastructure and Development Services Works Operations Manager Works Support Officer	General Manager
23	S53	Sale of Cemetery – Audit Cemetery manager must ensure audit undertaken within 6 months of issue of notice of intention to sell.	Nil Conditions or Restrictions	Manager Infrastructure and Development Services Works Operations Manager Works Support Officer	General Manager
24	S57	Notification of decision to not sell cemetery If cemetery manager, having given notice, decides not to sell cemetery they must notify regulator.	Nil Conditions or Restrictions	Manager Infrastructure and Development Services Works Operations Manager Works Support Officer	General Manager
25	S58(1)	Cemetery disclosure document Cemetery manager must provide disclosure document to proposed purchaser.	Nil Conditions or Restrictions	Manager Infrastructure and Development Services Works Operations Manager Works Support Officer	General Manager
26	S61	Notification to purchase cemetery If Council purchases a cemetery it must give notice to the regulator of the transfer within 30 days of it occurring.	Nil Conditions or Restrictions	Manager Infrastructure and Development Services Works Operations Manager Works Support Officer	General Manager
27	S63	Closure of cemeteries for reasons of public health or public safety The general manager may give notice to cemetery manager that the whole or portion of cemetery is to be closed.	Nil Conditions or Restrictions	Manager Infrastructure and Development Services Works Operations Manager Works Support Officer Environmental Health Officer	General Manager
28	S64	Intention to close (no interments for 50 years +) – notice/apply The cemetery manager must give notice of intention to close and apply to regulator for approval.	Nil Conditions or Restrictions	Manager Infrastructure and Development Services Works Operations Manager Works Support Officer	General Manager

29	S65(1)(a)	Intention to close cemetery (no interments for 50 years +) If the regulator approves the closure the cemetery manager must notify the holder of exclusive rights.	Nil Conditions or Restrictions	Manager Infrastructure and Development Services Works Operations Manager Works Support Officer	General Manager
30	S65(1)(b)	Close cemetery (no interments for 50 years+) On receipt of notification from the regulator of approval to close the cemetery, the cemetery manager may close the cemetery.	Nil Conditions or Restrictions	Manager Infrastructure and Development Services Works Operations Manager Works Support Officer	General Manager
31	S66	Effect of closure of cemetery Cemetery manager must forward all records to the State archivist and may take steps in relation to altering or moving tombstones in accordance with this section.	Nil Conditions or Restrictions	Manager Infrastructure and Development Services Works Operations Manager Works Support Officer	General Manager
32	S67	Exclusive rights of burial in closed cemetery Cemetery manager must enter into an agreement with a person who holds an exclusive right of burial in a closed cemetery, and take action as agreed and prescribed in this section.	Nil Conditions or Restrictions	Manager Infrastructure and Development Services Works Operations Manager Works Support Officer	General Manager
33	S68	Actions by cemetery manager in closed cemeteries The cemetery manager may apply to the regulator for approval to lay out a closed cemetery as a park or garden, and take related steps.	Nil Conditions or Restrictions	Manager Infrastructure and Development Services Works Operations Manager Works Support Officer	General Manager
34	S70	Removal of grave etc or human remains in closed cemeteries A cemetery manager must not remove a grave etc or human remains from a closed cemetery without giving public notice and preparing a statement prescribed in this section.	Nil Conditions or Restrictions	Manager Infrastructure and Development Services Works Operations Manager Works Support Officer	General Manager
35	S71	Application to reduce time to take action in closed cemetery A cemetery manager may apply to take action under S.66 or S.68 even though 100 years has not passed.	Nil Conditions or Restrictions	Manager Infrastructure and Development Services Works Operations Manager Works Support Officer	General Manager
36	S72	When land ceases to be cemetery Council can sell land that has ceased to be a cemetery but must comply with this section in relation to persons who hold an exclusive right of burial	No authority for the General Manager to sub-delegate	General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer	Council

37	S72(6)	When land ceases to be cemetery A cemetery manager must notify regulator after dealing with land under this section.	Nil Conditions or Restrictions	Manager Infrastructure and Development Services Works Operations Manager Works Support Officer	General Manager
38	S73	Declaration land is not a cemetery If Council intends to sell land subject to a declaration under this section it must notify the prospective purchaser of matters specified in this section.	No authority for the General Manager to sub-delegate	General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer	Council
CREMATORIA					
39	S82	Closure of crematorium – public health or public safety The general manager may give notice that a crematorium is to be closed on a particular date if prejudicial to public health or safety.	Nil Conditions or Restrictions	Manager Infrastructure and Development Services Works Operations Manager Works Support Officer Environmental Health Officer	General Manager
40	S84	Monuments containing cremated remains The person in charge of the monument must give notice of intention to remove and comply with other obligations under this section.	Nil Conditions or Restrictions	Manager Infrastructure and Development Services Works Operations Manager Works Support Officer	General Manager
41	S85	Granting of exclusive rights in relation to monuments The person in charge of a monument may grant exclusive rights to place cremated remains in that monument in accordance with this section.	Nil Conditions or Restrictions	Manager Infrastructure and Development Services Works Operations Manager Works Support Officer	General Manager
42	S86	Closure of monument The person in charge of a monument to be closed must grant a holder of exclusive rights in the monument exclusive rights in another monument.	Nil Conditions or Restrictions	Manager Infrastructure and Development Services Works Operations Manager Works Support Officer	General Manager



## 7 - Burial and Cremation Regulations 2025

This register is maintained in compliance with section 22 (4) of the Local Government Act 1993 (Tas).

### Notes on Delegation

(1) A council, in writing, may delegate with or without conditions to the general manager, any of its functions or powers under any Act: s.22 *Local Government Act 1993* (Tas) (subject to restrictions).

(2) The general manager, in writing, may delegate to an employee of the council (a) any functions or powers under any Act, other than this power of delegation; and (b) any functions or powers delegated by the council which the council authorised the general manager to delegate: s.64 *Local Government Act 1993* (Tas).

(3) If an Act confers a power on a person to delegate a function or power, the person may, in accordance with the Act, delegate the function or power to (a) a person by name; or (b) the holder of a particular office or position by reference to the title of the office or position concerned, whether or not the office or position is vacant at the time of the delegation: s.23AA(1) *Acts Interpretation Act 1931* (Tas).

(4) If a function or power is delegated to a particular officer or the holder of a particular office or position (a) the delegation does not cease to have effect merely because the person who was the particular officer or the holder of the particular office or position when the function or power was delegated ceases to be that officer or the holder of that office or position; and (b) the function or power may be performed or exercised by the person for the time being occupying or acting in the office or position concerned: s.23AA(5) *Acts Interpretation Act 1931* (Tas).

(5) A function or power that has been delegated may, notwithstanding the delegation, be exercised by the delegator: s.23AA(6) *Acts Interpretation Act 1931* (Tas).

### Notes on the Register (see table)

#### Note 1:

(a) This section is to be populated by councils. It is suggested entries only be made in this column when the executed instrument of delegation is sighted by the officer making the entry. This will avoid this table being incorrectly relied on with respect to what instruments of delegation have been executed.

(b) Councils may delegate functions and powers to a particular office or position eg - Senior Environmental Health Officer: s.23AA *Acts Interpretation Act 1931* (Tas)

#### Note 2:

This section of the table is to be populated by councils. Conditions or restrictions on the exercise of a power or function can be imposed by the person making the delegation (s.23AA *Acts Interpretation Act 1931* (Tas) & s.22 *Local Government Act 1993* (Tas)). Conditions or restrictions may also be contained in the legislation.

NOTE: The Burial and Cremation Regulations 2015 is repealed under section 11 of the Subordinate Legislation Act 1992.

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
CEMETERIES					
1		COUNCIL AS CEMETERY MANAGER The Council delegates the following functions and powers of the Council in its capacity as cemetery manager pursuant to the Burial and Cremation Act 2019 (except the setting of fees), to the General Manager and authorises the General Manager to delegate those functions and powers.	The ultimate responsibility for the cemetery will remain with the Council, as cemetery manager.	General Manager	Council
2	R27	Issue of certificate of exclusive right of burial The cemetery manager must issue a certificate of exclusive right of burial.	Nil Conditions or Restrictions	Manager Infrastructure and Development Services Works Operations Manager Works Support Officer	General Manager
3	R28	Amendment of certificate of exclusive right of burial The cemetery manager may amend a certificate of exclusive right of burial.	Nil Conditions or Restrictions	Manager Infrastructure and Development Services Works Operations Manager Works Support Officer	General Manager
4	R29	Cancellation or transfer of certificate of exclusive right of burial The cemetery manager may cancel or transfer a certificate of exclusive right of burial.	Nil Conditions or Restrictions	Manager Infrastructure and Development Services Works Operations Manager Works Support Officer	General Manager
5	R30(3)-(4)	Permission to inter human remains A cemetery manager may grant or refuse permission to inter human remains in a cemetery. The permission may be subject to conditions. Notice of the grant or refusal of permission is to be given.	Nil Conditions or Restrictions	Manager Infrastructure and Development Services Works Operations Manager Works Support Officer	General Manager
6	R39	Plan of cemetery A cemetery manager must keep a plan of the cemetery showing the graves and plots set aside in respect of an exclusive right of burial.	Nil Conditions or Restrictions	Manager Infrastructure and Development Services Works Operations Manager Works Support Officer	General Manager
7	R40	Register of instruments A cemetery manager must keep a register of instruments as set out in this section.	Nil Conditions or Restrictions	Manager Infrastructure and Development Services Works Operations Manager Works Support Officer	General Manager

8	R42	Driving in cemeteries A cemetery manager can give reasonable directions to a driver which it is an offence not to obey.	Nil Conditions or Restrictions	Manager Infrastructure and Development Services Works Operations Manager Works Support Officer	General Manager
9	R44	Power of cemetery manager in relation to graves and plots A cemetery manager may take certain action in cemeteries in relation to the appearance of the cemetery and public health and safety.	Nil Conditions or Restrictions	Manager Infrastructure and Development Services Works Operations Manager Works Support Officer Environmental Health Officer	General Manager
10	R45	Power of cemetery manager to approve permanent items A cemetery manager may approve certain items or classes of items that may be permanently affixed to or next to a grave or plot.	Nil Conditions or Restrictions	Manager Infrastructure and Development Services Works Operations Manager Works Support Officer	General Manager
11	R46(1)	Power of cemetery manager to remove persons A cemetery manager may require a person to leave and not re-enter a cemetery as set out in this section.	Nil Conditions or Restrictions	Manager Infrastructure and Development Services Works Operations Manager Works Support Officer	General Manager
12	R46(3)	Power of cemetery manager to remove persons A cemetery manager may use reasonable force to remove from a cemetery or prevent the entry of a person into a cemetery in contravention of a requirement under S.46(1).	Nil Conditions or Restrictions	Manager Infrastructure and Development Services Works Operations Manager Works Support Officer	General Manager
13	R47	Duty of cemetery manager on removal of monument A cemetery manager must take photos as prescribed if removing a monument and provide the photos to the Heritage Council.	Nil Conditions or Restrictions	Manager Infrastructure and Development Services Works Operations Manager Works Support Officer	General Manager

## 8 - Cat Management Act 2009

This register is maintained in compliance with section 22 (4) of the Local Government Act 1993 (Tas).

### Notes on Delegation

(1) A council, in writing, may delegate with or without conditions to the general manager, any of its functions or powers under any Act: s.22 *Local Government Act 1993* (Tas) (subject to restrictions).

(2) The general manager, in writing, may delegate to an employee of the council (a) any functions or powers under any Act, other than this power of delegation; and (b) any functions or powers delegated by the council which the council authorised the general manager to delegate: s.64 *Local Government Act 1993* (Tas).

(3) If an Act confers a power on a person to delegate a function or power, the person may, in accordance with the Act, delegate the function or power to (a) a person by name; or (b) the holder of a particular office or position by reference to the title of the office or position concerned, whether or not the office or position is vacant at the time of the delegation: s.23AA(1) *Acts Interpretation Act 1931* (Tas).

(4) If a function or power is delegated to a particular officer or the holder of a particular office or position (a) the delegation does not cease to have effect merely because the person who was the particular officer or the holder of the particular office or position when the function or power was delegated ceases to be that officer or the holder of that office or position; and (b) the function or power may be performed or exercised by the person for the time being occupying or acting in the office or position concerned: s.23AA(5) *Acts Interpretation Act 1931* (Tas).

(5) A function or power that has been delegated may, notwithstanding the delegation, be exercised by the delegator: s.23AA(6) *Acts Interpretation Act 1931* (Tas).

### Notes on the Register (see table)

#### Note 1:

(a) This section is to be populated by councils. It is suggested entries only be made in this column when the executed instrument of delegation is sighted by the officer making the entry. This will avoid this table being incorrectly relied on with respect to what instruments of delegation have been executed.

(b) Councils may delegate functions and powers to a particular office or position eg - Senior Environmental Health Officer: s.23AA *Acts Interpretation Act 1931* (Tas)

#### Note 2:

This section of the table is to be populated by councils. Conditions or restrictions on the exercise of a power or function can be imposed by the person making the delegation (s.23AA *Acts Interpretation Act 1931* (Tas) & s.22 *Local Government Act 1993* (Tas)). Conditions or restrictions may also be contained in the legislation.

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
1	S8A	<p>Collection and analysis of sample from a cat</p> <p>(2) The general manager may approve a person to collect a non-intimate sample from a cat, and a person to conduct the analysis of the sample collected.</p> <p>(4) If the general manager receives a request under subsection (3), they may authorise an approved person to collect a non-intimate sample from the cat, or a veterinary surgeon to collect an intimate or non-intimate sample from the cat.</p> <p>(7) The general manager may authorise a qualified person to conduct analysis of a sample collected in accordance with section 8A(5)(b).</p>	Nil	Animal Control Officer	General Manager
2	S16B	<p>Application to keep more than 4 cats</p> <p>(3) (b) If a general manager, to whom an application is made under subsection (1) so requires, an applicant must publish a notice, in a prescribed manner,</p> <p>(4) (b) In considering an application that is made under subsection (1) to a general manager, the general manager must consult with the Secretary.</p>	Nil	Animal Control Officer	General Manager
3	S16C	<p>Determination of application to keep more than 4 cats</p> <p>(1) A general manager may grant or refuse an application made under s.16B(1), subject to conditions.</p> <p>(2) If an application is approved, the general manager is to issue a permit in writing.</p> <p>(5) A general manager may vary permit conditions by notice to the permit holder.</p> <p>(6) Where an applicaiton is refused, the generall manager must provide notice of the refusal with written reasons.</p>	Permits may not be issued in contravention of a council by-law: s.16C(3)		General Manager

4	S16D	<p>Cancellation of multiple cat permits</p> <p>(1) A general manager may cancel a multiple cat permit by notice in writing served on the permit holder if satisfied of the matters in subsection (2).</p> <p>(3) Before cancelling a multiple cat permit, the general manager must give the permit holder one month's notice to make written submissions and must consider those submissions (if any).</p>	Nil		General Manager
5	S19	<p>Declaration of prohibited area</p> <p>A council may declare an area of land within the authority of the council to be an area where cats are prohibited.</p>	Nil		Council
6	S20	<p>Declaration of cat management area</p> <p>(1) A council may declare an area of land within the municipal area of the council to be an area within which measures may be taken in respect of cats.</p> <p>(2) Without limiting the generality of subsection (1) , a measure in respect of a cat may include a cat management action as defined in section 18(1) .</p>	Nil		Council

7	S21	<p>Proposal for council declaration</p> <p>(1) A council that proposes to make a declaration under section 19 or 20 in relation to an area of land is to publish a notice specifying –</p> <p>(a) the area of land; and</p> <p>(b) the proposed restrictions or activities relating to the use of the area of land; and</p> <p>(c) the reasons for the proposed declaration; and</p> <p>(d) that submissions as to the proposed declaration may be made to the council within 15 working days after the notice is published.</p> <p>(2) A notice under subsection (1) may be published in one or more of the following ways:</p> <p>(a) in a newspaper circulating generally in the municipal area of the council;</p> <p>(b) in a document delivered to persons whom the council considers likely to be affected by the declaration if made;</p> <p>(c) on a website maintained by or on behalf of the council;</p> <p>(d) in a prescribed manner.</p> <p>(3) A person may, within 15 working days after a notice is published under subsection (1) , make a submission in writing to the council.</p> <p>(4) The council is to consider submissions made under subsection (3) , if any, before making a declaration under section 19 or 20 .</p>	Nil	General Manager	Council
8	S21A	<p>Council declaration</p> <p>(3) A council may propose to amend or revoke a declaration made under section 19 or 20 by notice published in accordance with subsection (1)(a) and (b) .</p> <p>(5) The council is to consider submissions made under subsection (3) , if any, before amending or revoking a declaration.</p>	Nil		Council

9	S31	<p>Permit to breed cats</p> <p>(3) A general manager may grant an application for a cat breeding permit, subject to conditions, or may refuse a permit.</p> <p>(5) If a general manager grants an application for a cat breeding permit, they are to issue a permit in writing to the applicant.</p> <p>(7) A general manager may vary a cat breeding permit, including the conditions of the permit, if satisfied there are reasonable grounds to do so.</p> <p>(8) If a general manager refuses an applicaiton, they are to provide the applicant with written notice of the refusal, with reasons.</p>	Nil		General Manager
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## 9 - Child and Youth Safe Organisations Act 2023

This register is maintained in compliance with section 22 (4) of the Local Government Act 1993 (Tas).

### Notes on Delegation

(1) A council, in writing, may delegate with or without conditions to the general manager, any of its functions or powers under any Act: s.22 *Local Government Act 1993* (Tas) (subject to restrictions).

(2) The general manager, in writing, may delegate to an employee of the council (a) any functions or powers under any Act, other than this power of delegation; and (b) any functions or powers delegated by the council which the council authorised the general manager to delegate: s.64 *Local Government Act 1993* (Tas).

(3) If an Act confers a power on a person to delegate a function or power, the person may, in accordance with the Act, delegate the function or power to (a) a person by name; or (b) the holder of a particular office or position by reference to the title of the office or position concerned, whether or not the office or position is vacant at the time of the delegation: s.23AA(1) *Acts Interpretation Act 1931* (Tas).

(4) If a function or power is delegated to a particular officer or the holder of a particular office or position (a) the delegation does not cease to have effect merely because the person who was the particular officer or the holder of the particular office or position when the function or power was delegated ceases to be that officer or the holder of that office or position; and (b) the function or power may be performed or exercised by the person for the time being occupying or acting in the office or position concerned: s.23AA(5) *Acts Interpretation Act 1931* (Tas).

(5) A function or power that has been delegated may, notwithstanding the delegation, be exercised by the delegator: s.23AA(6) *Acts Interpretation Act 1931* (Tas).

### Notes on the Register (see table)

#### Note 1:

(a) This section is to be populated by councils. It is suggested entries only be made in this column when the executed instrument of delegation is sighted by the officer making the entry. This will avoid this table being incorrectly relied on with respect to what instruments of delegation have been executed.

(b) Councils may delegate functions and powers to a particular office or position eg - Senior Environmental Health Officer: s.23AA *Acts Interpretation Act 1931* (Tas)

#### Note 2:

This section of the table is to be populated by councils. Conditions or restrictions on the exercise of a power or function can be imposed by the person making the delegation (s.23AA *Acts Interpretation Act 1931* (Tas) & s.22 *Local Government Act 1993* (Tas)). Conditions or restrictions may also be contained in the legislation.

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
1	Section 10(3)	Delegations A General Manager may delegate, to a worker of the entity, any of the functions or powers of the General Manager under this Act other than this power of delegation.	"Worker" is defined in section 8		
2	Section 34	Head of relevant entity to notify Regulator of reportable allegation or reportable conviction (1) If a General Manager becomes aware of a reportable allegation or a reportable conviction against a worker of the relevant entity, the head must notify the Regulator, in writing, within 3 business days after becoming aware of the reportable allegation or reportable conviction in accordance with this section. – (2) The General Manager must not fail, without reasonable excuse, to comply with subsection (1) . Penalty: Fine not exceeding 120 penalty units.	No authority to sub-delegate. "Reportable allegation" is defined in section 3. "Reportable conviction" is defined in section 7. "Worker" is defined in section 8.		General Manager

3	Section 35	<p>Investigation by head of relevant entity</p> <p>(1) As soon as practicable after the General Manager becomes aware of a reportable allegation or reportable conviction against a worker, the General Manager:</p> <p>(a) must –</p> <p>(i) investigate the reportable allegation or reportable conviction; or</p> <p>(ii) engage an independent investigator to investigate the reportable allegation or reportable conviction on behalf of the head; and</p> <p>(b) must inform the Regulator of the identity of the body or person who will conduct the investigation.</p> <p>(2) If the General Manager is unable, or does not intend, to comply with subsection (1), the General Manager is to –</p> <p>(a) notify the Regulator as soon as practicable; and</p> <p>(b) provide reasons for the non-compliance.</p> <p>(3) An investigation conducted under this section must be completed despite the person who is the subject of the investigation ceasing to be a worker of the relevant entity during the period in which the investigation is being conducted.</p> <p>(4) As soon as practicable after an investigation has been completed, the General Manager must give to the Regulator –</p> <p>(a) a copy of the findings of the investigation and the reasons for those findings; and</p> <p>(b) details of any disciplinary or other action that the relevant entity has taken, or proposes to take, in relation to the worker, and the reasons for that action; and</p> <p>(c) if the relevant entity does not propose to take any disciplinary or other action in relation to the worker, the reasons why no action is to be taken.</p>	No authority to sub-delegate.		General Manager
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## 10 - Dog Control Act 2000

This register is maintained in compliance with section 22 (4) of the Local Government Act 1993 (Tas).

### Notes on Delegation

(1) A council, in writing, may delegate with or without conditions to the general manager, any of its functions or powers under any Act: s.22 *Local Government Act 1993* (Tas) (subject to restrictions).

(2) The general manager, in writing, may delegate to an employee of the council (a) any functions or powers under any Act, other than this power of delegation; and (b) any functions or powers delegated by the council which the council authorised the general manager to delegate: s.64 *Local Government Act 1993* (Tas).

(3) If an Act confers a power on a person to delegate a function or power, the person may, in accordance with the Act, delegate the function or power to (a) a person by name; or (b) the holder of a particular office or position by reference to the title of the office or position concerned, whether or not the office or position is vacant at the time of the delegation: s.23AA(1) *Acts Interpretation Act 1931* (Tas).

(4) If a function or power is delegated to a particular officer or the holder of a particular office or position (a) the delegation does not cease to have effect merely because the person who was the particular officer or the holder of the particular office or position when the function or power was delegated ceases to be that officer or the holder of that office or position; and (b) the function or power may be performed or exercised by the person for the time being occupying or acting in the office or position concerned: s.23AA(5) *Acts Interpretation Act 1931* (Tas).

(5) A function or power that has been delegated may, notwithstanding the delegation, be exercised by the delegator: s.23AA(6) *Acts Interpretation Act 1931* (Tas).

### Notes on the Register (see table)

#### Note 1:

(a) This section is to be populated by councils. It is suggested entries only be made in this column when the executed instrument of delegation is sighted by the officer making the entry. This will avoid this table being incorrectly relied on with respect to what instruments of delegation have been executed.

(b) Councils may delegate functions and powers to a particular office or position eg - Senior Environmental Health Officer: s.23AA *Acts Interpretation Act 1931* (Tas)

#### Note 2:

This section of the table is to be populated by councils. Conditions or restrictions on the exercise of a power or function can be imposed by the person making the delegation (s.23AA *Acts Interpretation Act 1931* (Tas) & s.22 *Local Government Act 1993* (Tas)). Conditions or restrictions may also be contained in the legislation.

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
1	S7	<p>Dog management Policy (1) A council is to develop, make and implement a policy relating to dog management in its municipal area.</p> <p>(3) A council is to invite public submissions relating to a proposed dog management policy or an amendment of the policy; and consult with any appropriate body or organisation; and consider any submissions and results of any consultation before making the policy or the amendment.</p> <p>(4) A council is to review its dog management policy at least once every 5 years.</p>	Nil Conditions or Restrictions	<p>General Manager Animal Control Officer NRM Facilitator Manager Infrastructure and Development Services</p>	Council General Manager
2	S9(1)	Application for registration	Nil Conditions or Restrictions	<p>Animal Control Officer Manager Infrastructure and Development Services</p>	General Manager
3	S10(1)	<p>Registration disc</p> <p>On the registration of a dog, the general manager is to –</p> <p>a) Allocate a registration number to the dog; and</p> <p>b) Issue to the owner a disc or tag clearly and durably marked with –</p> <p>i) The name of the Council; and</p> <p>ii) The registration number of the dog; and</p> <p>iii) The expiry date of registration.</p>	Nil Conditions or Restrictions	<p>Animal Control Officer Manager Infrastructure and Development Services</p>	General Manager
4	S12(2)	<p>Cancellation of registration</p> <p>Power of cancellation of registration.</p>	Nil Conditions or Restrictions	<p>Animal Control Officer Manager Infrastructure and Development Services</p>	General Manager
5	S15(1)	<p>Register</p> <p>A general manager is to keep a register in respect of registered dogs.</p>	Nil Conditions or Restrictions	<p>Animal Control Officer Manager Infrastructure and Development Services</p>	General Manager
6	S15(4)	<p>Register</p> <p>A general manager may amend or cancel any item in the register in order to maintain the register.</p>	Nil Conditions or Restrictions	<p>Animal Control Officer Manager Infrastructure and Development Services</p>	General Manager
7	S15A(3)	<p>Implanting of microchips</p> <p>Implanting of microships on seized dogs.</p>	Nil Conditions or Restrictions	<p>Animal Control Officer Manager Infrastructure and Development Services</p>	General Manager

8	S19AA(2)	Collection and analysis of a sample from a dog A general manager who receives a request under subsection 19(1) in relation to a dog may authorize – a) An approved person to collect a non-intimate sample from the dog; or b) A veterinary surgeon to collect an intimate or non-intimate sample from the dog.	Nil Conditions or Restrictions	Animal Control Officer Manager Infrastructure and Development Services	General Manager
9	S19AA(5)	Collection and analysis of a sample from a dog A general manager may authorize a qualified person to conduct analysis of a sample that has been collected in accordance with subsection (2).	Nil Conditions or Restrictions	Animal Control Officer Manager Infrastructure and Development Services	General Manager
10	S19A(2)	Subsequent attack by dangerous dog The general manager may destroy a dog seized and detained under subsection (1).	Nil Conditions or Restrictions	Animal Control Officer Manager Infrastructure and Development Services	General Manager
11	S19A(3)	Subsequent attack by dangerous dog The general manager, by notice in writing served on the owner of the dog, is to notify the owner of the general manager's decision to destroy the dog.	Nil Conditions or Restrictions	Animal Control Officer Manager Infrastructure and Development Services	General Manager
12	S19AC(3)	Collection and analysis of a sample from a dog A general manager who receives a request under subsection 19AC(2) in relation to a dog may authorize a veterinary surgeon to collect an intimate or non-intimate sample from the dog.	Nil Conditions or Restrictions	Animal Control Officer Manager Infrastructure and Development Services	General Manager
13	S20	Exercise areas A Council may declare an area to be an area where dogs may be exercised subject to any conditions specified in the declaration.	Nil Conditions or Restrictions	General Manager	Council
14	S21	Training areas A Council may declare an area to be an area where dogs may be trained subject to any conditions specified in the declaration.	Nil Conditions or Restrictions	General Manager	Council
15	S22	Prohibited areas A Council may declare an area containing sensitive habitat for native wildlife to be an area where dogs are prohibited from entering.	Nil Conditions or Restrictions	General Manager	Council

16	S23	<p>Restricted areas</p> <p>A Council may declare an area to be an area where dogs are restricted from entering</p> <p>a) During specified hours, days or seasons; or</p> <p>b) During specified hours, days or seasons unless they are on a lead; or</p> <p>c) At all times.</p>	Nil Conditions or Restrictions	General Manager	Council
17	S24	Public notice of intention to declare areas	Nil Conditions or Restrictions	General Manager	Council
18	S25	Date and period of declaration	Nil Conditions or Restrictions	General Manager	Council
19	S26	Review of declaration	Nil Conditions or Restrictions	General Manager	Council
20	S27	<p>Signs</p> <p>A Council is to erect and maintain signs sufficient to identify any exercise area, training area, prohibited area or restricted area.</p>	Nil Conditions or Restrictions	<p>General Manager</p> <p>Animal Control Officer</p> <p>Manager Infrastructure and Development Services</p> <p>NRM Facilitator</p>	Council
21	S29	Declaration of particular dangerous dog	Nil Conditions or Restrictions	<p>Animal Control Officer</p> <p>Manager Infrastructure and Development Services</p>	General Manager
22	S30	<p>Guard dogs</p> <p>The owner of a dog used to guard premises that are not residential must notify the general manager, by notice in writing, that the dog is a guard dog.</p>	Nil Conditions or Restrictions	<p>Animal Control Officer</p> <p>Manager Infrastructure and Development Services</p>	General Manager
23	S30	<p>Guard dogs</p> <p>On receipt of notification under S.30(1) the general manager is to declare the dog to be a dangerous dog.</p>	Nil Conditions or Restrictions	<p>Animal Control Officer</p> <p>Manager Infrastructure and Development Services</p>	General Manager
24	S30	<p>Guard dogs</p> <p>The general manager may revoke a dangerous dog declaration if a dog is no longer a guard dog and is not a dangerous dog.</p>	Nil Conditions or Restrictions	<p>Animal Control Officer</p> <p>Manager Infrastructure and Development Services</p>	General Manager
25	S32A(3)	<p>Dangerous dogs and restricted breed dogs to be de-sexed and microchipped</p> <p>Receiving of copy of a veterinary surgeon's certificate, stating that the dog has been de-sexed or implanted with a microchip.</p>	Nil Conditions or Restrictions	<p>Animal Control Officer</p> <p>Manager Infrastructure and Development Services</p>	General Manager

26	S34	Dangerous dog or restricted breed dog missing, dying, &c. If a dangerous dog or a restricted breed dog goes missing, strays or dies, or is lost, sold or given away to another owner, the owner or a person on behalf of the owner of that dog must notify the general manager.	Nil Conditions or Restrictions	Animal Control Officer Manager Infrastructure and Development Services	General Manager
27	S34A	Application for approval to transfer ownership of dangerous dog or restricted breed dog.	Nil Conditions or Restrictions	Animal Control Officer Manager Infrastructure and Development Services	General Manager
28	S34B	Offence to transfer ownership of dangerous dog or restricted breed dog without approval.	Nil Conditions or Restrictions	Animal Control Officer Manager Infrastructure and Development Services	General Manager
29	S35(2)	Seizure and detention of dogs at large If a dog is seized and its owner is identifiable, the general manager is to notify in writing the owner of the dog that – a) The dog has been seized and detained; and b) The owner may reclaim the dog.	Nil Conditions or Restrictions	Animal Control Officer Manager Infrastructure and Development Services	General Manager
30	S35(3)	Seizure and detention of dogs at large If, after 5 working days after the notice has been given to the owner, the owner does not reclaim the dog, the general manager may sell, destroy or otherwise dispose of the dog.	Nil Conditions or Restrictions	Animal Control Officer Manager Infrastructure and Development Services	General Manager
31	S35(4)	Seizure and detention of dogs at large If a dog is seized and its owner is not identifiable, the general manager, not less than 3 working days after its seizure, may – a) Sell, destroy or otherwise dispose of the dog if it is not a dangerous dog or a restricted breed dog; or b) Destroy the dog if it is a dangerous dog or a restricted breed dog.	Nil Conditions or Restrictions	Animal Control Officer Manager Infrastructure and Development Services	General Manager
32	S35(5)	Seizure and detention of dogs at large The general manager is to take reasonable steps and make reasonable inquiries to identify the owner of a dog.	Nil Conditions or Restrictions	Animal Control Officer Manager Infrastructure and Development Services	General Manager
33	S35(6)	Seizure and detention of dogs at large The general manager may cause a dog that is seized under this section to be implanted in an approved manner with an approved microchip.	Nil Conditions or Restrictions	Animal Control Officer Manager Infrastructure and Development Services	General Manager



34	S39A(1)	Destruction of dangerous dog if enclosure not suitable The general manager is not to release a dangerous dog to its owner unless the general manager is of the opinion that the owner has a suitable enclosure or satisfactory alternative arrangements have been made.	Nil Conditions or Restrictions	Animal Control Officer Manager Infrastructure and Development Services	General Manager
35	S39A(2)	Destruction of dangerous dog if enclosure not suitable If the owner of a dangerous dog does not have an enclosure referred to in subsection (1), the general manager may, by notice in writing served on the owner, require the owner to build, or have built, such an enclosure within 28 days after service of the notice.	Nil Conditions or Restrictions	Animal Control Officer Manager Infrastructure and Development Services	General Manager
36	S39A(3)	Destruction of dangerous dog if enclosure not suitable The general manager may extend the 28 day period to build the enclosure if of the opinion that sufficient progress towards the completion of the enclosure has been made.	Nil Conditions or Restrictions	Animal Control Officer Manager Infrastructure and Development Services	General Manager
37	S39A(4)	Destruction of dangerous dog if enclosure not suitable If the owner does not build, or have built, a suitable enclosure within the period specified in the notice or such other period as the general manager allows or does not make satisfactory alternative arrangements for housing the dog, the general manager may destroy the dog.	Nil Conditions or Restrictions	Animal Control Officer Manager Infrastructure and Development Services	General Manager
38	S39A(5)	Destruction of dangerous dog if enclosure not suitable Before destroying the dog under section 39A, the general manager must, by notice in writing served on the owner, notify the owner of the general manager's intention to destroy the dog.	Nil Conditions or Restrictions	Animal Control Officer Manager Infrastructure and Development Services	General Manager
39	S41(2)	Attacking dogs A person who restrains a dog under subsection (1) is to notify the general manager as soon as possible.	Nil Conditions or Restrictions	Animal Control Officer Manager Infrastructure and Development Services	General Manager
40	S42(3)	Destruction of dog If a dog destroyed under subsection 42(1) was wearing a registration disc or any other means of identification, the general manager is to notify the dog's owner in writing of – a) The destruction of the dog; and b) The reasons for the destruction.	Nil Conditions or Restrictions	Animal Control Officer Manager Infrastructure and Development Services	General Manager

41	S47(1)	Complaints relating to nuisance A person may make a complaint to the general manager in respect of a dog that is a nuisance.	Nil Conditions or Restrictions	Animal Control Officer Manager Infrastructure and Development Services	General Manager
42	S48(1)	Investigation of complaint On receipt of a complaint, the general manager is to investigate the subject matter of the complaint.	Nil Conditions or Restrictions	Animal Control Officer Manager Infrastructure and Development Services	General Manager
43	S48(2)(a)	Investigation of complaint If the general manager considers that the complaint has substance, the general manager may institute proceedings for an offence under section 46.	Nil Conditions or Restrictions	Animal Control Officer Manager Infrastructure and Development Services	General Manager
44	S48(2)(b)	Investigation of complaint If the general manager considers that the complaint has substance, the general manager is to refund the fee that accompanied the complaint to the complainant.	Nil Conditions or Restrictions	Animal Control Officer Manager Infrastructure and Development Services	General Manager
45	S49A	Abatement notices	Nil Conditions or Restrictions	Animal Control Officer Manager Infrastructure and Development Services	General Manager
46	S51(1)	Application for licences A person can apply to the general manager for a licence to keep more than 2 dogs or more than 4 working dogs.	Nil Conditions or Restrictions	Animal Control Officer Manager Infrastructure and Development Services	General Manager
47	S51(3)	Application for licences The general manager can require a licence applicant to give public notice of application for licence to keep several dogs.	Nil Conditions or Restrictions	Animal Control Officer Manager Infrastructure and Development Services	General Manager
48	S52	Objections to licence.	Nil Conditions or Restrictions	Animal Control Officer Manager Infrastructure and Development Services	General Manager
49	S54	Refusing application.	Nil Conditions or Restrictions	Animal Control Officer Manager Infrastructure and Development Services	General Manager
50	S55(1)	Granting application The general manager may grant an application for a licence to keep several dogs in certain circumstances.	Nil Conditions or Restrictions	Animal Control Officer Manager Infrastructure and Development Services	General Manager
51	S55(2)	Granting application The general manager may issue a licence that has been granted specifying certain matters.	Nil Conditions or Restrictions	Animal Control Officer Manager Infrastructure and Development Services	General Manager

52	S57(2)	Renewal of licence Refusal to renew a licence if Act or any other Act not being complied with, the premise is causing a nuisance or it is in the public interest that the licence not be renewed.	Nil Conditions or Restrictions	Animal Control Officer Manager Infrastructure and Development Services	General Manager
53	S58(1)	Cancellation of licence The general manager may cancel a licence in certain circumstances.	Nil Conditions or Restrictions	Animal Control Officer Manager Infrastructure and Development Services	General Manager
54	S58(2)	Cancellation of licence The general manager must give notice and consider representations prior to cancelling a licence.	Nil Conditions or Restrictions	Animal Control Officer Manager Infrastructure and Development Services	General Manager
55	S73(6)	Entering land Giving of notice of entering of land and seizure of dog.	Nil Conditions or Restrictions	Animal Control Officer Manager Infrastructure and Development Services	General Manager
56	S75	Use of tranquiliser devices.	Nil Conditions or Restrictions	Animal Control Officer Manager Infrastructure and Development Services	General Manager
57	S80(2)(a) – (c)	Fees A general manager may a) Waive a fee; b) Refund part or all of a fee; or c) Discount a fee.	Nil Conditions or Restrictions	Animal Control Officer Manager Infrastructure and Development Services	General Manager
58	S81	Payment by instalments.	Nil Conditions or Restrictions	Animal Control Officer Manager Infrastructure and Development Services	General Manager
59	S82	Delegation The general manager may delegate to any person any of his or her functions or powers under this Act, other than this power of delegation.	No authority to sub-delegate	General Manager	Council

# 11 - Emergency Management Act 2006

## APPOINTMENTS

\* A member of a statutory service (Council) is an authorised officer.

## DELEGATIONS

- 1 A council, in writing, may delegate with or without conditions to the general manager, any of its functions or powers under any Act: s.22 Local Government Act 1993 (subject to restrictions).
- 2 The general manager, in writing, may delegate to an employee of the council (a) any functions or powers under any Act, other than this power of delegation; and (b) any functions or powers delegated by the council which the council authorised the general manager to delegate: s.64 Local Government Act 1993.  
If an Act confers a power on a person to delegate a function or power, the person may, in accordance with the Act, delegate the function or power to (a) a  
3 person by name; or (b) the holder of a particular office or position by reference to the title of the office or position concerned, whether or not the office or position is vacant at the time of the delegation: s.23AA(1) of the Acts Interpretation Act 1931.  
If a function or power is delegated to a particular officer or the holder of a particular office or position (a) the delegation does not cease to have effect merely  
4 because the person who was the particular officer or the holder of the particular office or position when the function or power was delegated ceases to be that officer or the holder of that office or position; and (b) the function or power may be performed or exercised by the person for the time being occupying or acting in the office or position concerned: s.23AA(5) of the Acts Interpretation Act 1931.
- 5 A function or power that has been delegated may, notwithstanding the delegation, be exercised by the delegator: s.23AA(6) of the Acts Interpretation Act 1931.

Notes on the Register (see table)

Note 1:

(a) This section is to be populated by councils. It is suggested entries only be made in this column when the executed instrument of delegation is sighted by the officer making the entry. This will avoid this table being incorrectly relied on with respect to what instruments of delegation have been executed.

(b) Councils may delegate functions and powers to a particular office or position eg - Senior Environmental Health Officer: s.23AA *Acts Interpretation Act 1931* (Tas)

Note 2:

This section of the table is to be populated by councils. Conditions or restrictions on the exercise of a power or function can be imposed by the person making the delegation (s.23AA *Acts Interpretation Act 1931* (Tas) & s.22 *Local Government Act 1993* (Tas)). Conditions or restrictions may also be contained in the legislation.

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
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1	<u>21(2)</u>	<b>Duty of council to determine who is to be the Municipal Chair Person</b> A council for the municipal area must determine who is to be the Municipal Chairperson.	Nil Conditions or Restrictions	General Manager	Council
2	<u>23(2), (7), (8)</u>	<b>Council to nominate a person to be the Municipal Emergency Management Coordinator, or Deputy Municipal Emergency Management Coordinator</b> A council can only nominate a person for either of the positions if the person, once appointed to the position would have authority and ability to make decisions relating to the coordination of emergency management in the municipal area during an emergency without first seeking the approval of council	Nil Conditions or Restrictions	General Manager	Council
3	<u>46</u>	<b>Council to use resources in emergency</b> If an emergency affects a municipal area, the council in the municipal area is to use its resources and the resources made available to it for the purposes of managing the emergency	Nil Conditions or Restrictions	General Manager Emergency Management Coordinator Deputy Emergency Management Coordinator Manager Infrastructure and Development Services Works Operations Manager	Council General Manager
4	<u>47</u>	<b>Council to establish or provide for resources</b> Each council is to establish and maintain or otherwise provide for the availability of all resources and facilities it considers necessary for the management of an emergency in its municipal area in accordance with the relevant Municipal Emergency Management Plan.	Nil Conditions or Restrictions	General Manager Emergency Management Coordinator Deputy Emergency Management Coordinator Manager Infrastructure and Development Services Works Operations Manager	Council General Manager
5	<u>50</u>	<b>Power to bind in contracts</b> A Council may enter into a contract with one or more councils or other persons to enable or facilitate emergency management in its municipal area or other municipal areas.	Nil Conditions or Restrictions	General Manager	Council
6	<u>Schedule 2</u>	<b>Special emergency powers of State Controller and Regional Controllers</b> In the event the Council owns resources, they must surrender the resources for emergency manager to the State Controller or Regional Controller.	Nil Conditions or Restrictions	General Manager	Council



## 12 - Environmental Management and Pollution Control Act 1994

### APPOINTMENTS

- \* A council may appoint an employee of the council to be a council officer for the purposes of this Act: s.21 of EMPCA.
- \* Any person authorised pursuant to s.21 must be provided with a certificate of authorisation which is capable of production upon request (along with identification), pursuant to s.92(4).

### DELEGATIONS

- \* A council, in writing, may delegate with or without conditions to the general manager, any of its functions or powers under any Act: s.22 Local Government Act 1993 (subject to restrictions).
  - \* The general manager, in writing, may delegate to an employee of the council (a) any functions or powers under any Act, other than this power of delegation; and (b) any functions or powers delegated by the council which the council authorised the general manager to delegate: s.64 Local Government Act 1993.
- If an Act confers a power on a person to delegate a function or power, the person may, in accordance with the Act, delegate the function or power to (a) a person by name; or (b) the holder of a particular office or position by reference to the title of the office or position concerned, whether or not the office or position is vacant at the time of the delegation: s.23AA(1) of the Acts Interpretation Act 1931.
- \* If a function or power is delegated to a particular officer or the holder of a particular office or position (a) the delegation does not cease to have effect merely because the person who was the particular officer or the holder of the particular office or position when the function or power was delegated ceases to be that officer or the holder of that office or position; and (b) the function or power may be performed or exercised by the person for the time being occupying or acting in the office or position concerned: s.23AA(5) of the Acts Interpretation Act 1931.
  - \* A function or power that has been delegated may, notwithstanding the delegation, be exercised by the delegator: s.23AA(6) of the Acts Interpretation Act 1931.

Notes on the Register (see table)

Note 1:

(a) This section is to be populated by councils. It is suggested entries only be made in this column when the executed instrument of delegation is sighted by the officer making the entry. This will avoid this table being incorrectly relied on with respect to what instruments of delegation have been executed.

(b) Councils may delegate functions and powers to a particular office or position eg - Senior Environmental Health Officer: s.23AA *Acts Interpretation Act 1931* (Tas)

Note 2:

This section of the table is to be populated by councils. Conditions or restrictions on the exercise of a power or function can be imposed by the person making the delegation (s.23AA *Acts Interpretation Act 1931* (Tas) & s.22 *Local Government Act 1993* (Tas)). Conditions or restrictions may also be contained in the legislation.

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
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1	S20A	Duty of council to prevent or control pollution In relation to activities other than prescribed activities, a council must use its best endeavours to prevent or control acts or omissions which cause or are capable of causing pollution.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager Development Services Coordinator Environmental Health Officer	Council General Manager
2	S20B	Council may ask Board to exercise powers A council may ask the Board, in respect of an activity that is not a level 2 activity or a level 3 activity, to exercise any of the Board's powers relating to the following: an environmental audit, an environmental improvement programme, an environmental agreement and lodgment of financial assurance.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Development Services Coordinator Environmental Health Officer	Council General Manager
3	S21	Council Officers A Council may appoint an employee of the Council to be a Council Officer.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Development Services Coordinator Environmental Health Officer	Council General Manager
4	S22(1A)	Registers of environmental management and enforcement instruments A council must keep a register containing particulars of any environment protection noise issues and any amendment or revocation of any notice.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Development Services Coordinator Environmental Health Officer	Council General Manager



5	S23(1)(2)	Trade secrets If it appears to the Board or a Council that – a) Any information that could be kept as a trade secret would be available to the public; and b) The release of that information would be likely to cause financial loss to any person – The Board or Council must consult with that person before including the information on any register kept under this Act.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Development Services Coordinator Environmental Health Officer	Council General Manager
6	S24(1)	Assessment of permissible level 1 activities Council must refer application to the Board if directed to do so.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Development Services Coordinator Environmental Health Officer	Council
7	S25(1)(b)	Assessment of permissible level 2 activities Planning Authority to refer the application to the Board as soon as practicable, but any case within 21 days, after the date of lodgement of the application.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Development Services Coordinator Environmental Health Officer	Council
8	S25A(1D)(a)	Assessment of applications for permits that are combined with applications for planning scheme amendments Giving of notice to the applicant of the determination of the Board to refuse to grant a permit.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Development Services Coordinator Environmental Health Officer	Council
9	S27AC(5)	Directions in relation to permits in respect of EL activities Notify the Board of the grant of the permit and provide to the Board a copy of the permit.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Development Services Coordinator Environmental Health Officer	Council

10	S27AD	Minor variations of planning permit in relation to EL activities Application to the Board for approval to amend a planning permit.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Development Services Coordinator Environmental Health Officer	Council
11	S43	Power to require information Notify the Director, EPA of the issue of an emergency order and provide a copy of the order.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Development Services Coordinator Environmental Health Officer	Council
12	S44(4)	Environment protection notices Where an environment protection notice is issued by a council officer, the council must, as soon as practicable and in any event within 7 days, advise the Director in writing of that fact and of any amendment or revocation of the notice.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Development Services Coordinator Environmental Health Officer	Council
13	S46(4)	Registration of environment protection notices The Recorder of Titles must register the environment protection notice as if it were a dealing, within the meaning of the Land Titles Act 1980 , lodged in accordance with that Act.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Development Services Coordinator Environmental Health Officer	Council
14	S47(1)	Action on non-compliance with environment protection notice The Director or, in the case of an environment protection notice served by a council officer, the council may take any action required by an environment protection notice if the requirements of the notice are not complied with.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Development Services Coordinator Environmental Health Officer	Council General Manager

15	S47(3)(4)	<p>Action on non-compliance with environment protection notice</p> <p>The reasonable costs and expenses incurred by the Director or a council in taking action under this section may be recovered by the Director or the council as a debt from the person who failed to comply with the requirements of the environment protection notice.</p> <p>Where an amount is recoverable from a person under this section, the Director or the council may, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.</p>	Nil Conditions or Restrictions	<p>General Manager</p> <p>Manager Infrastructure and Development Services</p> <p>Development Services Coordinator</p> <p>Environmental Health Officer</p>	Council General Manager
16	S48(1)	<p>Civil enforcement proceedings</p> <p>Where –</p> <p>a) A person has engaged, is engaging or is proposing to engage in conduct in contravention of this Act; or</p> <p>b) A person has refused or failed, is refusing or failing or is proposing to refuse or fail to take any action required by this Act; or</p> <p>c) A person has caused environmental harm by contravention of this Act, any other Act or the repealed Act –</p> <p>The Director, a council or a person who has, in the opinion of the Appeal Tribunal, a proper interest in the subject matter may apply to the Appeal Tribunal for an order.</p>	Nil Conditions or Restrictions	General Manager	Council
17	S61	<p>Reports in respect of alleged contraventions</p> <p>Where a person reports to the Director or a council an alleged contravention of this Act, the Director or the council must, at the request of the person, advise the person as soon as practicable of the action (if any) taken or proposed to be taken by the Director or the council in respect of the allegation.</p>	Nil Conditions or Restrictions	General Manager	Council

18	S64	Recovery of technical costs associated with prosecutions Where a person is convicted of an offence against this Act, the court may, on application by the Director or a council, order the convicted person to pay to the Director or the council the reasonable costs and expenses incurred by the Director or the council in the taking of any samples or the conduct of tests, examinations or analyses in the course of the investigation and prosecution of the offence.	Nil Conditions or Restrictions	General Manager	Council
19	S74	Environmental Impact Assessment Principles An environmental impact assessment may be required when an environmentally relevant activity is proposed to be undertaken by the public or the private sector.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Development Services Coordinator Environmental Health Officer	Council General Manager
20	S94	Provisions relating to seizure.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager Development Services Coordinator Environmental Health Officer	Council General Manager
21	S103	Fees imposed by councils In accordance with the provisions of the Local Government Act 1993 , a council may impose fees in relation to any function or service carried out by the council under this Act.	Nil Conditions or Restrictions	General Manager	Council

## 13 - Food Act 2003

### APPOINTMENTS

- \* A council may appoint a person to be an authorised officer for the purposes of this Act: S.100(2) of the Food Act 2003.

### DELEGATIONS

- \* A council, in writing, may delegate with or without conditions to the general manager, any of its functions or powers under any Act: s.22 Local Government Act 1993 (subject to restrictions).

- \* The general manager, in writing, may delegate to an employee of the council (a) any functions or powers under any Act, other than this power of delegation; and (b) any functions or powers delegated by the council which the council authorised the general manager to delegate: s.64 Local Government Act 1993.

If an Act confers a power on a person to delegate a function or power, the person may, in accordance with the Act, delegate the function or power to (a) a

- \* person by name; or (b) the holder of a particular office or position by reference to the title of the office or position concerned, whether or not the office or position is vacant at the time of the delegation: s.23AA(1) of the Acts Interpretation Act 1931.

If a function or power is delegated to a particular officer or the holder of a particular office or position (a) the delegation does not cease to have effect merely

- \* because the person who was the particular officer or the holder of the particular office or position when the function or power was delegated ceases to be that officer or the holder of that office or position; and (b) the function or power may be performed or exercised by the person for the time being occupying or acting in the office or position concerned: s.23AA(5) of the Acts Interpretation Act 1931.

- \* A function or power that has been delegated may, notwithstanding the delegation, be exercised by the delegator: s.23AA(6) of the Acts Interpretation Act 1931.

### Notes on the Register (see table)

#### Note 1:

(a) This section is to be populated by councils. It is suggested entries only be made in this column when the executed instrument of delegation is sighted by the officer making the entry. This will avoid this table being incorrectly relied on with respect to what instruments of delegation have been executed.

(b) Councils may delegate functions and powers to a particular office or position eg - Senior Environmental Health Officer: s.23AA *Acts Interpretation Act 1931* (Tas)

#### Note 2:

This section of the table is to be populated by councils. Conditions or restrictions on the exercise of a power or function can be imposed by the person making the delegation (s.23AA *Acts Interpretation Act 1931* (Tas) & s.22 *Local Government Act 1993* (Tas)). Conditions or restrictions may also be contained in the legislation.

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
1	S33	Making an order An order may be made by a relevant authority to prevent or reduce the possibility of a serious danger to public health or to mitigate the adverse consequences of a serious danger to public health.	Nil Conditions or Restrictions	General Manager Development Services Coordinator Environmental Health Officer	Council General Manager
2	S34(2)	Nature of order An order may be varied or revoked by the relevant authority who made the order.	Nil Conditions or Restrictions	General Manager Development Services Coordinator Environmental Health Officer	Council General Manager
3	S37	Power to make a determination in relation to an application for compensation where there were insufficient grounds for making an order	Nil Conditions or Restrictions	General Manager Development Services Coordinator Environmental Health Officer	Council General Manager
4	S50(2)	Forfeiture of item Items forfeited under this section may be destroyed, sold or otherwise disposed of.	Nil Conditions or Restrictions	General Manager Development Services Coordinator Environmental Health Officer	Council General Manager
5	S52(1)	Return of forfeited item Council must return an item that has not been destroyed as soon as possible to the person it was seized from.	Nil Conditions or Restrictions	General Manager Development Services Coordinator Environmental Health Officer	Council General Manager
6	S53(4) (2) (3)	Compensation to be paid in certain circumstances The enforcement agency is to pay such compensation as is just and reasonable in relation to any item seized under this Part by an authorized officer appointed by it.	Nil Conditions or Restrictions	General Manager Development Services Coordinator Environmental Health Officer	Council General Manager
7	S55	Enforcement agency entitled to answer application The enforcement agency is entitled to appear as respondent at the hearing of an application made under Section 54.	Nil Conditions or Restrictions	General Manager Development Services Coordinator Environmental Health Officer	Council General Manager
8	S65	Power to make an order for an authorised officer to inspect a vehicle or equipment.	Nil Conditions or Restrictions	General Manager Development Services Coordinator Environmental Health Officer	Council General Manager

9	S68(2)(3)	<p>Compensation</p> <p>If there were no grounds for the issuing of an order, the enforcement agency that issued the order is to pay such compensation as is just and reasonable.</p>	Nil Conditions or Restrictions	General Manager	Council
10	S83H	Priority classification system and frequency of auditing.	Nil Conditions or Restrictions	General Manager Development Services Coordinator Environmental Health Officer	Council General Manager
11	S87(1) (5) (6) (7)	<p>Registration of Food Business</p> <p>The Council may register a food business which is located within it's municipal area. If the council grants an application for registration, it must issue the applicant with a certificate of registration that sets out the conditions, if any, to which the registration is subject. If the council refuses an application for registration, the council must give notice of the refusal in writing to the applicant setting out the reasons for the refusal.</p>	Nil Conditions or Restrictions	General Manager Development Services Coordinator Environmental Health Officer	Council General Manager
12	S89(3)(5)	<p>Renewal of Registration</p> <p>The council may, after considering an application for renewal of registration grant the application, with or without conditions; or refuse the application. If the council refuses an application for renewal of registration, the council must give notice of the refusal in writing to the applicant setting out the reasons for the refusal.</p>	Nil Conditions or Restrictions	General Manager Development Services Coordinator Environmental Health Officer	Council General Manager
13	S91	<p>Variation of conditions, or suspension or cancellation, of registration of food businesses</p> <p>The council of the municipal area in which the food business is registered may vary the conditions of, or suspend or cancel, the registration of a food business under this Part.</p>	Nil Conditions or Restrictions	General Manager Development Services Coordinator Environmental Health Officer	Council General Manager
14	S94	<p>Register of food businesses to be maintained</p> <p>The Council is required to prepare and maintain a list which contains notified food businesses, registered food businesses, and food businesses whose registration is renewed.</p>	Nil Conditions or Restrictions	General Manager Development Services Coordinator Environmental Health Officer	Council General Manager

15	S97	<p>Functions of council</p> <p>A council is to –</p> <p>a) Take adequate measures to ensure that the provisions of this Act are complied with; and</p> <p>b) Carry out any other function the Minister or Director of Public Health determines.</p>	Nil Conditions or Restrictions	<p>General Manager</p> <p>Development Services Coordinator</p> <p>Environmental Health Officer</p>	Council General Manager
16	S98(4)	<p>Power of Director of Public Health to order Council to perform functions</p> <p>A Council may request the Director of Public Health to exercise any of its powers or perform any of its functions at the Council's expense</p>	Nil Conditions or Restrictions	<p>General Manager</p> <p>Development Services Coordinator</p> <p>Environmental Health Officer</p>	Council General Manager
17	S100(1)(2)	<p>Reports by councils</p> <p>The council is to report to the Director of Public Health on the performance of functions under this Act. In addition, the council is to forward to the Director of Public Health details of any proceedings for an offence under this Act taken by an officer, employee or agent of the council.</p>	Nil Conditions or Restrictions	<p>General Manager</p> <p>Development Services Coordinator</p> <p>Environmental Health Officer</p>	Council General Manager
18	S101(2)	Power to appoint Authorised Officers under the Food Act	Nil Conditions or Restrictions	General Manager	Council
19	S102	Power to provide an Authorised Officer with a Certificate of Authority	Nil Conditions or Restrictions	General Manager	Council
20	S104(1)	<p>Institution of proceedings</p> <p>Proceedings for an offence under this Act may only be instituted by the Minister, an authorized officer, council, or Director of Public Health. They may only be instituted within 3 years after the date on which the offence is alleged to have been committed or within 120 days after the date on which a sample is obtained.</p>	Nil Conditions or Restrictions	General Manager	Council
21	S118(1)	<p>Infringement notices</p> <p>An authorized officer or council may serve an infringement notice on a person, other than a person under the age of 16 years, if of the opinion that the person has committed a prescribed offence.</p>	<p>An infringement notice is not to relate to 4 or more offences.</p> <p>An infringement notice is to be in accordance with Section 14 of the Monetary Penalties Enforcement Act 2005</p>	<p>General Manager</p> <p>Development Services Coordinator</p> <p>Environmental Health Officer</p>	Council General Manager



## 14 - Heavy Vehicle National Law (Tasmania) Act 2013

This register is maintained in compliance with section 22 (4) of the *Local Government Act 1993* (Tas).

[The Heavy Vehicle National Law \(Tasmania\) Act 2013 \(Tas\) makes the Heavy Vehicle National Law applicable in Tasmania with certain modifications for the Tasmanian context. The Act results in the creation of the Heavy Vehicle National Law \(Tasmania\) 2013.](#)

[The Heavy Vehicle National Law is contained in a Schedule to the \*Heavy Vehicle National Law Act 2012 \(Old\)\* .](#)

The *Acts Interpretation Act 1931* (Tas) does not apply to the *Heavy Vehicle National Law (Tasmania)*.

A council, within the meaning of the *Local Government Act 1993* (Tas) , is declared to be a local government authority for the purposes of the *Heavy Vehicle National Law (Tasmania)*. The council is the "road manager" for the purposes of this Act in relation to a road controlled by a local government authority.

The Registrar of Motor Vehicles is the "road authority".

The National Heavy Vehicle Regulator may appoint an employee of a Council to be an "authorised officer": *Heavy Vehicle National Law* s.481. The Act does not provide for this appointment to be made by a Tasmanian body.

### Notes on Delegation

- (1) A council, in writing, may delegate with or without conditions to the general manager, any of its functions or powers under any Act: s.22 *Local Government Act 1993* (Tas) (subject to restrictions).
- (2) The general manager, in writing, may delegate to an employee of the council (a) any functions or powers under any Act, other than this power of delegation; and (b) any functions or powers delegated by the council which the council authorised the general manager to delegate: s.64 *Local Government Act 1993* (Tas).

### Notes on the Register (see table)

#### Note 1:

- (a) This section is to be populated by councils. It is suggested entries only be made in this column when the executed instrument of delegation is sighted by the officer making the entry. This will avoid this table being incorrectly relied on with respect to what instruments of delegation have been executed.
- (b) Councils may delegate functions and powers to a particular office or position eg - Senior Environmental Health Officer: s.23AA *Acts Interpretation Act 1931* (Tas)

#### Note 2:

This section of the table is to be populated by councils. Conditions or restrictions on the exercise of a power or function can be imposed by the person making the delegation (s.23AA *Acts Interpretation Act 1931* (Tas) & s.22 *Local Government Act 1993* (Tas)). Conditions or restrictions may also be contained in the legislation.

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
1	S118(1)(b)	Granting consent for exemption on mass or dimension restriction.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer	Council General Manager
2	S124(1)(b)	Granting consent for exemption (permit) on mass or dimension restriction.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer	Council General Manager
3	S145(1)(b)	Granting consent for a class 2 heavy vehicle authorization.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer	Council General Manager
4	S156(2)	Asking the Regulator for a longer period to decide whether to grant consent for a mass or dimension authority.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer	Council General Manager
6	S156A	Decide whether to grant consent, after considering the specific matters in S.156A and provide written reasons to the Regulator for the decision in relation to consent.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer	Council General Manager
7	S158	Deal with a request for consent and decide to give or not give consent for a mass or dimension authority.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer	Council General Manager

8	S159(2)	Notifying the Regulator that route assessment is required by the road manager in deciding whether to give consent and the fee payable.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer	Council General Manager
9	S160(1)	Specifying road condition(s) to which the granting of consent is subject.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer	Council General Manager
10	S160(2)	Providing the Regulator with a written statement explaining the road manager's decision to grant consent subject to road conditions.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer	Council General Manager
11	S161(1)	Specifying travel condition(s) to which the granting of consent is subject.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer	Council General Manager
12	S161(2)	Providing the Regulator with a written statement explaining the road manager's decision to grant consent subject to road conditions.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer	Council General Manager
13	S162(2)	Requesting specified vehicle condition(s) be imposed on the mass or dimension authority.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer	Council General Manager
14	S167(2)(b)	Giving notice to the Regulator of objection to the application of this section [which provides for expedited process for renewal of mass or dimension authority].	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer	Council General Manager

15	S169	Giving consent to the grant of a mass or dimension authority for a trial period or no more than 3 months.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer	Council General Manager
16	S170	Provide the Regulator with a written objection to a renewal of a mass or dimension authority.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer	Council General Manager
17	S174(2)	Asking the Regulator to amend or cancel the mass or dimension authority granted by Commonwealth Gazette notice due to adverse effect of heavy vehicles.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer	Council General Manager
18	S176(4)(c)	Provide consent to an amendment of a permit for a mass or dimension authority.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer	Council General Manager
19	S178(2)	Asking the Regulator amend or cancel the mass or dimension authority granted by Commonwealth Gazette notice due to adverse effect of heavy vehicles.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer	Council General Manager
20	S645	Decide a review of a reviewable decision under the Act.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer	Council General Manager

## 15 - Historic Cultural Heritage Act 1995

This register is maintained in compliance with section 22 (4) of the Local Government Act 1993 (Tas).

### Notes on Delegation

(1) A council, in writing, may delegate with or without conditions to the general manager, any of its functions or powers under any Act: s.22 *Local Government Act 1993* (Tas) (subject to restrictions).

(2) The general manager, in writing, may delegate to an employee of the council (a) any functions or powers under any Act, other than this power of delegation; and (b) any functions or powers delegated by the council which the council authorised the general manager to delegate: s.64 *Local Government Act 1993* (Tas).

(3) If an Act confers a power on a person to delegate a function or power, the person may, in accordance with the Act, delegate the function or power to (a) a person by name; or (b) the holder of a particular office or position by reference to the title of the office or position concerned, whether or not the office or position is vacant at the time of the delegation: s.23AA(1) *Acts Interpretation Act 1931* (Tas).

(4) If a function or power is delegated to a particular officer or the holder of a particular office or position (a) the delegation does not cease to have effect merely because the person who was the particular officer or the holder of the particular office or position when the function or power was delegated ceases to be that officer or the holder of that office or position; and (b) the function or power may be performed or exercised by the person for the time being occupying or acting in the office or position concerned: s.23AA(5) *Acts Interpretation Act 1931* (Tas).

(5) A function or power that has been delegated may, notwithstanding the delegation, be exercised by the delegator: s.23AA(6) *Acts Interpretation Act 1931* (Tas).

### Notes on the Register (see table)

#### Note 1:

(a) This section is to be populated by councils. It is suggested entries only be made in this column when the executed instrument of delegation is sighted by the officer making the entry. This will avoid this table being incorrectly relied on with respect to what instruments of delegation have been executed.

(b) Councils may delegate functions and powers to a particular office or position eg - Senior Environmental Health Officer: s.23AA *Acts Interpretation Act 1931* (Tas)

#### Note 2:

This section of the table is to be populated by councils. Conditions or restrictions on the exercise of a power or function can be imposed by the person making the delegation (s.23AA *Acts Interpretation Act 1931* (Tas) & s.22 *Local Government Act 1993* (Tas)). Conditions or restrictions may also be contained in the legislation.

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
1	S36(2)	Permit application to be sent to and considered by Heritage Council The relevant planning authority must give a copy of the permit application to the heritage council as soon as practicable after the application day.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner	Council General Manager
2	S37	Procedure if Heritage Council requires additional information to consider permit application Planning authority must as soon as practicable require the applicant for a permit application to provide additional information required by the Heritage Council and provide it to the Heritage Council.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner	Council General Manager
3	S38	Procedure if Heritage Council has no interest in permit application Planning authority determination of permits applications. Notifying the Heritage Council and applicants of determinations and representations.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner	Council General Manager
4	S39	Procedure if the Heritage Council wishes to be involved in determining discretionary permit application Determining discretionary permit applications. Notifying the Heritage Council and Applicants of determinations and representations.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner	Council General Manager
5	S39A	Procedure if Heritage Council wishes to be involved in determining combined permit application Determining combined permit applications. Notifying the Heritage Council and Applicants of determinations and representations.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner	Council General Manager

6	S39B	Provision of further information to Heritage Council Provide any further information received from permit applicant to Heritage Council.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner	Council General Manager
7	S50	Notification of Recorder of Titles Planning authority must lodge for registration with the Recorder of Titles notice of heritage agreements that come into effect or the variation or termination of a heritage agreement.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner	Council General Manager
8	S89	Assistance to Heritage Council A planning authority is to give all reasonable assistance to the Heritage Council to enable it to perform its functions and exercise its powers.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner	Council General Manager

## 16 - Land Titles Act 1980

This register is maintained in compliance with section 22 (4) of the Local Government Act 1993 (Tas).

### Notes on Delegation

(1) A council, in writing, may delegate with or without conditions to the general manager, any of its functions or powers under any Act: s.22 *Local Government Act 1993* (Tas) (subject to restrictions).

(2) The general manager, in writing, may delegate to an employee of the council (a) any functions or powers under any Act, other than this power of delegation; and (b) any functions or powers delegated by the council which the council authorised the general manager to delegate: s.64 *Local Government Act 1993* (Tas).

(3) If an Act confers a power on a person to delegate a function or power, the person may, in accordance with the Act, delegate the function or power to (a) a person by name; or (b) the holder of a particular office or position by reference to the title of the office or position concerned, whether or not the office or position is vacant at the time of the delegation: s.23AA(1) *Acts Interpretation Act 1931* (Tas).

(4) If a function or power is delegated to a particular officer or the holder of a particular office or position (a) the delegation does not cease to have effect merely because the person who was the particular officer or the holder of the particular office or position when the function or power was delegated ceases to be that officer or the holder of that office or position; and (b) the function or power may be performed or exercised by the person for the time being occupying or acting in the office or position concerned: s.23AA(5) *Acts Interpretation Act 1931* (Tas).

(5) A function or power that has been delegated may, notwithstanding the delegation, be exercised by the delegator: s.23AA(6) *Acts Interpretation Act 1931* (Tas).

### Notes on the Register (see table)

#### Note 1:

(a) This section is to be populated by councils. It is suggested entries only be made in this column when the executed instrument of delegation is sighted by the officer making the entry. This will avoid this table being incorrectly relied on with respect to what instruments of delegation have been executed.

(b) Councils may delegate functions and powers to a particular office or position eg - Senior Environmental Health Officer: s.23AA *Acts Interpretation Act 1931* (Tas)

#### Note 2:

This section of the table is to be populated by councils. Conditions or restrictions on the exercise of a power or function can be imposed by the person making the delegation (s.23AA *Acts Interpretation Act 1931* (Tas) & s.22 *Local Government Act 1993* (Tas)). Conditions or restrictions may also be contained in the legislation.



No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
1	S138U	<p>Restriction on title by possession</p> <p>(1) For the purposes of an application to acquire title to any land by possession, any period during which council rates have been or are paid by or on behalf of the owner is to be disregarded.</p> <p>(2) This section does not apply to an application if the relevant council has certified in writing that it is unclear who has paid, or is paying, the relevant council rates.</p>	Nil Conditions or Restrictions	General Manager	Council
2	S138Y	<p>Avoidance of sub-minimum lots</p> <p>(1) In this section, sub-minimum lot means a lot that does not have the qualities of a minimum lot as provided by section 109 of the Local Government (Building and Miscellaneous Provisions) Act 1993 .</p> <p>(2) If the Recorder is not sure whether the granting of an application under this Division would result in the continuation or creation of a sub-minimum lot, the Recorder may require the applicant to produce a certificate from the relevant council –</p> <p>(a) that the application would not result in the continuation or creation of a sub-minimum lot; or</p> <p>(b) that the council consents to the application.</p> <p>(3) If the applicant fails to produce a certificate required under subsection (2) , the Recorder is not required to proceed with the application.</p>	Nil Conditions or Restrictions	General Manager	Council

# 17 - Land Use Planning and Approvals Act 1993

This register is maintained in compliance with section 22 (4) of the *Local Government Act 1993* (Tas).

## Notes on Delegation

- (1) A council, in writing, may delegate with or without conditions to the general manager, any of its functions or powers under any Act: s.22 *Local Government Act 1993* (Tas)
- (2) The general manager, in writing, may delegate to an employee of the council (a) any functions or powers under any Act, other than this power of delegation; and (b) any
- (3) If an Act confers a power on a person to delegate a function or power, the person may, in accordance with the Act, delegate the function or power to (a) a person by name; or
- (4) If a function or power is delegated to a particular officer or the holder of a particular office or position (a) the delegation does not cease to have effect merely because the
- (5) A function or power that has been delegated may, notwithstanding the delegation, be exercised by the delegator: s.23AA(6) *Acts Interpretation Act 1931* (Tas).
- (6) A planning authority may, by resolution, delegate any of its functions or powers under this Act other than this power of delegation to a person employed by the authority (Part

## Notes on the Register (see table)

### Note 1:

- (a) This section is to be populated by councils. It is suggested entries only be made in this column when the executed instrument of delegation is sighted by the officer making the entry. This will avoid this table being incorrectly relied on with respect to what instruments of delegation have been executed.
- (b) Councils may delegate functions and powers to a particular office or position eg - Senior Environmental Health Officer: s.23AA *Acts Interpretation Act 1931* (Tas)

### Note 2:

This section of the table is to be populated by councils. Conditions or restrictions on the exercise of a power or function can be imposed by the person making the delegation (s.23AA *Acts Interpretation Act 1931* (Tas) & s.22 *Local Government Act 1993* (Tas)). Conditions or restrictions may also be contained in the legislation.

NOTE: The process of amendment of schemes remains in place via the transitional provisions of the 17 December 2015 amendments to LUPAA. Please refer to Schedule 6 toward the end of this section for details.

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
	<u>PART 2A</u>	<u>TASMANIAN PLANNING POLICIES</u>			
1	S12C	Consult with the Minister regarding a draft of the Tasmanian Planning Policies, on behalf of the Planning Authority.	No authority to sub-delegate in respect of the delegation	General Manager	Planning Authority

	<u>PART 3</u>	<u>PLANNING SCHEMES</u>			
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2	Part 3 – Generally	<p>As a consequence of any decision by the Council to initiate preparation of a planning scheme or a planning scheme amendment or to provide its views and opinions on any representation received on a draft planning scheme or draft amendment:</p> <p>i) Authority to give such advice, consultation, referral or notification as required under this Part;</p> <p>ii) Authority to initiate public notification of a draft scheme or draft amendment;</p> <p>iii) Authority to submit a draft scheme or a draft amendment for approval if no representations are received during the exhibition period;</p> <p>iv) Authority to modify a draft planning scheme or draft amendment if only to correct any error, remove an anomaly, clarify or simplify a provision, remove any inconsistency with other regulation, make procedural changes or to bring the planning scheme into conformity with a mandatory planning instruction;</p> <p>v) Represent the Council and to give evidence and make submissions before any hearing conducted by the Tasmanian Planning Commission.</p>	Nil	<p>General Manager</p> <p>Manager Infrastructure and Development Services</p> <p>Development Services Coordinator</p> <p>Senior Town Planner</p>	<p>Planning Authority</p> <p>General Manager</p>
	<u>PART 3A</u>	<u>LOCAL PLANNING SCHEDULE (LPS)</u>			
3	Part 3A – Generally	<p>In accordance with a decision of the Planning Authority (or a requirement of the Minister) to –</p> <p>a) Prepare a draft LPS under S.35;</p> <p>b) Indicate its views and opinions in relation to each representation received on a draft LPS;</p> <p>c) Indicate its satisfaction that a draft LPS meets the criteria in S.34;</p> <p>d) Make recommendations in relation to how a draft LPS should be determined in accordance with S.35F; and</p> <p>e) Conduct and respond on a review of the LPS</p>	Nil	<p>General Manager</p> <p>Manager Infrastructure and Development Services</p> <p>Development Services Coordinator</p> <p>Senior Town Planner</p>	<p>Planning Authority</p> <p>General Manager</p>

3	Part 3A – Generally	<p>The following functions and powers of the Planning Authority are delegated –</p> <p>a) Prepare the required documentation for a draft LPS;</p> <p>b) Submit the draft LPS to the Tasmanian Planning Commission (TPC) under S.35(1);</p> <p>c) Make any modifications to the draft LPS which may be instructed by the TPC under S.35(5)(b);</p> <p>d) Give notice under S.35C of the exhibition of a draft LPS, including for any instruction issued by the TPC under S.35B;</p> <p>e) Undertake exhibition of the draft LPS in accordance with S.35D;</p> <p>f) Provide a report to the TPC pursuant to S.35F;</p> <p>g) Prepare and submit any modifications required by the TPC to a draft LPS in accordance with S.35K;</p> <p>h) Give notice in accordance with S.35M(2) of the approval of the LPS;</p> <p>i) Provide a report to the TPC on the outcomes of a review of the LPS conducted by the Planning Authority in accordance with S.35O, including provide notice of the review and receive comments from the public pursuant to S.35P.</p>	Nil	<p>General Manager</p> <p>Manager Infrastructure and Development Services</p> <p>Development Services Coordinator</p> <p>Senior Town Planner</p>	<p>Planning Authority General Manager</p>
	<u>DIVISION 7</u>	<u>SPECIAL LOCAL PROVISIONS SCHEDULES</u>			
	<u>PART 3B</u>	<u>AMENDMENT OF THE LPS</u>			
4	General	<p>In accordance with a decision of the Planning Authority in relation to –</p> <p>a) Preparation of a draft amendment to the LPS under S.38 or S.40D;</p> <p>b) Preparation of a draft amendment under S.38 and a draft permit under S.40Y; and</p> <p>c) Its views and opinions in relation to each representation received on a draft LPS and on any draft permit;</p> <p>d) Its satisfaction that the draft LPS meets the criteria in S.34; and</p> <p>e) Recommendations in relation to how the draft LPS should be determined in accordance with S.35F.</p>	Nil	<p>General Manager</p> <p>Manager Infrastructure and Development Services</p> <p>Development Services Coordinator</p> <p>Senior Town Planner</p>	<p>Planning Authority General Manager</p>

4	General	<p>The following functions and powers of the Planning Authority are delegated –</p> <p>a) Give notice in accordance with S.38(3) of a decision in relation to a request to initiate a draft amendment to the LPS;</p> <p>b) Give notice in accordance with S.40W of a decision under S.40Y in relation to a request to consider a permit in combination with a request to initiate a draft amendment to the LPS;</p> <p>c) Request additional information under S.40 and S.40U;</p> <p>d) Provide any material requested by the TPC in accordance with S.40A, S.40B or S.40V;</p> <p>e) Prepare the draft LPS amendment documents;</p> <p>f) Certify a draft amendment to the LPS in accordance with S.40F;</p> <p>g) Give notice in accordance with S.40G of exhibition of a draft amendment to the LPS, and including any exhibition of a permit application under S.40Z;</p>	Nil	<p>General Manager</p> <p>Manager Infrastructure and Development Services</p> <p>Development Services Coordinator</p> <p>Senior Town Planner</p>	<p>Planning Authority</p> <p>General Manager</p>
4	General Cont	<p>h) Undertake exhibition of the draft amendment to the LPS in accordance with S.40H, and including any permit application approved under S.40Y;</p> <p>i) Provide a report to the TPC in accordance with S.40K and S.42 if there are no representations making objection on the draft amendment to the LPS and to any permit application requested under S.40T;</p> <p>j) Provide a report to the TPC in accordance with S.40K and S.42 in relation to the Planning Authority's –</p> <p>i. Views and opinions on each representation received during the exhibition period;</p> <p>ii. Compliance to S.34; and</p> <p>iii. Its recommendations on how the draft LPS or the permit application under S.40T should be determined</p> <p>k) Make modifications to a draft LPS amendment if instructed by the TPC in accordance with S.40O or S.40P;</p> <p>l) Re-exhibit a modified draft amendment to the LPS under S.40G and S.40H if instructed by TPC in accordance with S.40P;</p>	Nil	<p>General Manager</p> <p>Manager Infrastructure and Development Services</p> <p>Development Services Coordinator</p> <p>Senior Town Planner</p>	<p>Planning Authority</p> <p>General Manager</p>

		<p>m) Give notice of an approved amendment to the LPS in accordance with S.40S;</p> <p>n) Grant an extension of time under S.42C for a permit granted under S.42B;</p> <p>o) Correct a mistake under S.42D in a permit granted under S.42B;</p> <p>and</p> <p>p) Make minor amendments in accordance with S.43 to a permit granted under S.42B.</p>			
	<u>PART 4</u>	<u>ENFORCEMENT OF PLANNING CONTROL</u>			
5	Part 4 - Generally	<p>Authority to require the making of a permit application and to undertake actions and proceedings in pursuance of the Council's obligations as a planning authority to observe and enforce compliance of a planning scheme; including –</p> <p>i) To give such advice, consultation, referral or notification as required under this Part;</p> <p>ii) To represent the Council and to give evidence before the Resource Management and Planning Appeal Tribunal in respect of any appeal against a decision on a planning permit;</p> <p>iii) To initiate legal proceedings for any use of land, development or act if:-</p> <ul style="list-style-type: none"> <li>- Contrary to a State Policy, planning scheme or special planning scheme;</li> <li>- An obstruction of a planning scheme or special planning scheme;</li> <li>- or</li> </ul> <p>A breach of a condition or restriction of a planning permit.</p>	No authority to sub-delegate in respect of the delegation	<p>General Manager</p> <p>Manager Infrastructure and Development Services</p> <p>Development Services Coordinator</p> <p>Senior Town Planner</p>	Planning Authority
6	S30C(4)	<p>Terms of reference in relation to draft amendment of the SPPs</p> <p>A planning authority or another person may request the Minister to consider preparing terms of reference in relation to a draft amendment of the SPPs.</p>	No authority to sub-delegate in respect of the delegation	<p>General Manager</p> <p>Manager Infrastructure and Development Services</p> <p>Development Services Coordinator</p> <p>Senior Town Planner</p>	Planning Authority
7	S35	<p>Draft LPS to be provided to Commission</p> <p>A planning authority may prepare and submit to the Commission a draft LPS that applies to the municipal area of the planning authority.</p>	No authority to sub-delegate in respect of the delegation	<p>General Manager</p> <p>Manager Infrastructure and Development Services</p> <p>Development Services Coordinator</p> <p>Senior Town Planner</p>	Planning Authority

8	S35C	Notice of exhibition of draft LPS.	No authority to sub-delegate in respect of the delegation	General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner	Planning Authority
9	S35F	Report by Planning Authority to Commission about exhibition.	No authority to sub-delegate in respect of the delegation	General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner	Planning Authority
10	S35G	Planning Authority may notify Minister as to whether amendment of SPPs is required.	No authority to sub-delegate in respect of the delegation	General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner	Planning Authority
11	S35I	Withdrawal of draft LPS.	No authority to sub-delegate in respect of the delegation	General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner	Planning Authority
12	S35M	Notice of approval of Local Provisions Schedules.	No authority to sub-delegate in respect of the delegation	General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner	Planning Authority
13	S35P	Conduct of Review (of an LPS or a part of an LPS).	No authority to sub-delegate in respect of the delegation	General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner	Planning Authority

14	S40G	<p>Notice of exhibition</p> <p>A planning authority, as soon as practicable after providing to the Commission under section 40F(4) a copy of a draft amendment of an LPS or receiving under section 35KB(4)(b)(i) a notice in relation to a draft amendment of an LPS, must ensure an exhibition notice in relation to the draft amendment of an LPS is published in accordance with this section, unless the planning authority receives a notice under section 40I(1) in relation to the draft amendment.</p>	No authority to sub-delegate in respect of the delegation	<p>General Manager</p> <p>Manager Infrastructure and Development Services</p> <p>Development Services Coordinator</p> <p>Senior Town Planner</p>	Planning Authority
15	S40T	<p>Permit application that requires amendment to the LPS</p> <p>(6) An application for a permit under subsection (1) by a person to a planning authority to amend the zoning or use or development of one or more parcels of land specified in an LPS must, if the person is not the owner, or the sole owner, of the land and the relevant planning scheme does not provide otherwise –</p> <p>(a) be signed by each owner of the land; or</p> <p>(b) be accompanied by the written permission of each owner of the land to the making of the request.</p>	(7) Subsection (6) does not apply to an application for a permit to carry out mining operations, within the meaning of the Mineral Resources Development Act 1995 , if a mining lease or a production licence which authorises those operations has been issued under that Act.	<p>General Manager</p> <p>Manager Infrastructure and Development Services</p> <p>Development Services Coordinator</p> <p>Senior Town Planner</p>	Council
16	S40U	<p>Additional Information</p> <p>A Planning Authority, within 28 days from the day on which it receives from a person an application for a permit, may, by notice in writing, require the person to provide to the Planning Authority additional information before it considers the application.</p>	No authority to sub-delegate in respect of the delegation	<p>General Manager</p> <p>Manager Infrastructure and Development Services</p> <p>Development Services Coordinator</p> <p>Senior Town Planner</p>	Planning Authority
17	S40W	Determination of amendment where concurrent permit application sought.	No authority to sub-delegate in respect of the delegation	<p>General Manager</p> <p>Manager Infrastructure and Development Services</p> <p>Development Services Coordinator</p> <p>Senior Town Planner</p>	Planning Authority
18	S43(2)	<p>Minor amendment of permit</p> <p>The Planning Authority may amend or refuse to amend the permit.</p>	No authority to sub-delegate in respect of the delegation	<p>General Manager</p> <p>Manager Infrastructure and Development Services</p> <p>Development Services Coordinator</p> <p>Senior Town Planner</p>	Planning Authority



19	S43(6)	<p>Minor amendment of permit</p> <p>If the Planning Authority amends a permit, it must, by notice in writing served on the following persons, notify them of the amendment:</p> <ul style="list-style-type: none"> <li>a) The applicant for the amendment;</li> <li>b) The owner of the land;</li> <li>c) Any person or body who or that made a representation;</li> <li>d) The owner or occupier of any property which adjoins the land to which the permit relates.</li> </ul>	No authority to sub-delegate in respect of the delegation	<p>General Manager</p> <p>Manager Infrastructure and Development Services</p> <p>Development Services Coordinator</p> <p>Senior Town Planner</p>	Planning Authority
20	S43(7)	<p>Minor amendment of permit</p> <p>If the Planning Authority amends a permit that contains a condition or restriction that the Board of the Environment Protection Authority has required under Section 25(5) of the Environmental Management and Pollution Control Act 1994, the Planning Authority must, by notice in writing served on the Board, notify it of the amendment.</p>	No authority to sub-delegate in respect of the delegation	<p>General Manager</p> <p>Manager Infrastructure and Development Services</p> <p>Development Services Coordinator</p> <p>Senior Town Planner</p>	Planning Authority
21	S43(9)	<p>Minor amendment of permit</p> <p>If the Planning Authority amends a permit in respect of which the Commission has modified, deleted or added conditions or restrictions, the Planning Authority must, by notice in writing served on the Commission, notify it of the amendments made to the permit.</p>	No authority to sub-delegate in respect of the delegation	<p>General Manager</p> <p>Manager Infrastructure and Development Services</p> <p>Development Services Coordinator</p> <p>Senior Town Planner</p>	Planning Authority
22	S43(10)	<p>Minor amendment of permit</p> <p>If the Planning Authority amends a permit containing a condition or restriction which the Heritage Council has specified, the Planning Authority must, by notice in writing served on the Heritage Council, notify the Council of the amendment.</p>	No authority to sub-delegate in respect of the delegation	<p>General Manager</p> <p>Manager Infrastructure and Development Services</p> <p>Development Services Coordinator</p> <p>Senior Town Planner</p>	Planning Authority
23	S48AA	<p>Enforcement of major project permits</p> <p>A planning authority must, within the ambit of its power, enforce the observance of any condition or restriction to which a major project permit is subject.</p>	No authority to sub-delegate in respect of the delegation	<p>General Manager</p> <p>Manager Infrastructure and Development Services</p> <p>Development Services Coordinator</p> <p>Senior Town Planner</p>	Planning Authority

24	S48A	Notice to remove signs.	No authority to sub-delegate in respect of the delegation	General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner Technical Officer Development Services Planning Officer	Planning Authority
25	S51	Permits A person must not commence any use or development which requires a permit unless the Planning Authority which administers the scheme, the Commission, or the Tribunal, has granted a permit in respect of that use or development and the permit is in effect or a major project permit has been granted in respect of that use or the development and the permit is in effect.	No authority to sub-delegate in respect of the delegation	General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner	Planning Authority

26	S51A	<p>Fees payable for application</p> <p>... (2) Despite section 86 , a planning authority is not entitled –</p> <p>(a) to refuse to take an action in relation to determining whether or not an application for a permit is valid; or</p> <p>(b) to refuse to accept a valid application for a permit – on the ground that a fee, under a relevant legislative instrument, for an application for a permit has not been paid, unless –</p> <p>(c) the planning authority has, before, or within 4 business days after, the day on which a person lodges, or attempts to lodge, with the planning authority, the application for the permit, demanded the payment of the fee; and</p> <p>(d) the fee has not been paid within the 21-day period after the day on which the demand is made.</p> <p>(3) If –</p> <p>(a) the planning authority has demanded payment of a fee, under a relevant legislative instrument, for an application for a permit before, or within 4 business days after, the day on which a person lodges, or attempts to lodge, with the planning authority, the application for the permit; and</p> <p>(b) the fee has been paid within the 21-day period after the day on which the demand is made –</p> <p>the application, if it is a valid application, is taken for the purposes of this Act to have been received on the day on which the fee is paid.</p>	No authority to sub-delegate in respect of the delegation	<p>General Manager</p> <p>Manager Infrastructure and Development Services</p> <p>Development Services Coordinator</p> <p>Senior Town Planner</p>	Planning Authority
27	S52(1B)	<p>What if applicant is not the owner?</p> <p>If land in respect of which an application for a permit is required is Crown land, is owned by a Council or is administered or owned by the Crown or a Council and a planning scheme does not provide otherwise, the application must –</p> <p>a) Be signed by the Minister of the Crown responsible for the administration of the land or by the General Manager of the Council; and</p> <p>b) Be accompanied by the written permission of that Minister of General Manager to the making of the application.</p>	No authority to sub-delegate in respect of the delegation	<p>General Manager</p> <p>Manager Infrastructure and Development Services</p> <p>Development Services Coordinator</p> <p>Senior Town Planner</p>	Planning Authority

28	S53(5A), (5B), (5C) and (5D)	When does a permit take effect? The power to grant extensions of time where the permit has not been substantially commenced.	No authority to sub-delegate in respect of the delegation	General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner	Planning Authority
29	S54	Additional Information A Planning Authority that receives an application for a permit (other than a permit referred to in section 40T) may require the applicant to provide it with additional information before it considers the application.	No authority to sub-delegate in respect of the delegation	General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner	Planning Authority
30	S55	Correction of mistakes A Planning Authority may correct a permit granted by it if the permit contains – a) A clerical mistake or an error arising from any accidental slip or omission; or b) An evident material miscalculation of figures or an evident material mistake in the description of any person, thing or property referred to in the approval.	No authority to sub-delegate in respect of the delegation	General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner	Planning Authority
31	S56	Minor amendments of permits issued by a Planning Authority – S.56(1A): Planning Authority that receives a request under subsection (1) for amendment to permits – a) Within 28 days after the request was received, amend, or refuse to amend the permit and; b) must within 7 days i. after amending the permit or ii. after refusing to amend the permit, give notice of the refusal to the person who made the request.	No authority to sub-delegate in respect of the delegation	General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner	Planning Authority

32	S56AA	<p>Fees for amendment of permits under section 56...</p> <p>(2) Despite section 86 , a planning authority is not entitled –</p> <p>(a) to refuse to take an action in relation to determining whether or not an application under section 56 for an amendment of a permit is valid; or</p> <p>(b) to refuse to accept a valid application under section 56 for an amendment of the permit –</p> <p>on the ground that a fee, under a relevant legislative instrument, for an application for an amendment of a permit under section 56 has not been paid, unless –</p> <p>(c) the planning authority has, before, or within 4 business days after, the day on which a person lodges, or attempts to lodge, with the planning authority, the application for an amendment of the permit, demanded the payment of the fee; and</p> <p>(d) the fee has not been paid within the 21-day period after the day on which the demand is made.</p>	No authority to sub-delegate in respect of the delegation	<p>General Manager</p> <p>Manager Infrastructure and Development Services</p> <p>Development Services Coordinator</p> <p>Senior Town Planner</p>	Planning Authority
33	S57(2)	<p>Applications for discretionary permits</p> <p>The Planning Authority may, on receipt of an application for a permit to which this section applies, refuse to grant the permit.</p>	<p>1. No authority to sub-delegate in respect of the delegation</p> <p>2. If the proposed use or development is prohibited by the scheme</p>	<p>General Manager</p> <p>Manager Infrastructure and Development Services</p> <p>Development Services Coordinator</p> <p>Senior Town Planner</p>	Planning Authority
34	S57(3)	<p>Applications for discretionary permits</p> <p>Unless the Planning Authority requires the applicant to give notice, the authority must give notice, as prescribed, of an application for a permit.</p>	No authority to sub-delegate in respect of the delegation	<p>General Manager</p> <p>Manager Infrastructure and Development Services</p> <p>Development Services Coordinator</p> <p>Senior Town Planner</p>	Planning Authority
	S57(5)	<p>Applications for discretionary permits</p> <p>Any person may make representations relating to the application during the period of 14 days commencing on the date on which notice of the application is given or such further period not exceeding 14 days as the Planning Authority may allow.</p>	No authority to sub-delegate in respect of the delegation	<p>General Manager</p> <p>Manager Infrastructure and Development Services</p> <p>Development Services Coordinator</p> <p>Senior Town Planner</p>	Planning Authority

36	S57(6)	Applications for discretionary permits Grant or Refuse a discretionary permit with or without conditions.	<p>1. No authority to sub-delegate in respect of the delegation</p> <p>2. The power to grant the permit can be exercised when either of the following applies: (a) No representations have been received in respect of the development application; or (b) Where the only representations received are in support of the proposal and any suggested condition of approval be included in a planning permit</p> <p>3. The power to grant or refuse the permit can be exercised where the development application has been considered by the Planning Authority at a meeting, and it has not determined the development application due to a vote on a motion being tied</p> <p>4. The power to refuse a development application can be exercised where an applicant does not agree to an extension of time to allow the development application to be considered at a scheduled meeting of the Planning Authority</p>	General Manager	Planning Authority
37	S57(6A)	Applications for discretionary permits A further period agreed to by a Planning Authority and an applicant may be extended or further extended by agreement, in writing, between the Planning Authority and applicant at any time before the expiration of the period to be extended and, when so extended, is taken to be the further period referred to in that subsection.	No authority to sub-delegate in respect of the delegation	General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner	Planning Authority

38	S57A	<p>Mediation</p> <p>Power to enter into mediation on behalf of the Planning Authority regarding an application for a permit</p>	<ol style="list-style-type: none"> <li>1. No authority to sub-delegate in respect of the delegation</li> <li>2. Authority to undertake mediation on any appeal arising out of a decision on a planning permit and to bind Council to agreements within the mediation on any matter that the Council has a proper power relevant to the permit application under LUPAA</li> </ol>	<p>General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner</p>	Planning Authority
39	S58	<p>Application for other permits</p> <p>This section applies to an application for a permit in respect of a use or development for which, under the provisions of a planning scheme, a Planning Authority is bound to grant a permit either unconditionally or subject to conditions or restrictions.</p>	<ol style="list-style-type: none"> <li>1. No authority to sub-delegate in respect of the delegation</li> <li>2. Grant of a permit if the use or development complies to all applicable regulatory requirements</li> <li>3. The delegation to Building Services Coordinator is to exercise this delegated power for minor works only as determined by policy of Council</li> <li>4. The power to grant or refuse the permit can only be exercised when an applicant does not agree to an extension of time.</li> </ol>	<p>General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner</p>	Planning Authority
40	S59	<p>Failure to determine an application for a permit</p> <p>Notwithstanding the provisions of this Division, a Planning Authority may make a decision on an application for a permit to which section 57 or 58 applies at any time before the lodging of an application.</p>	<ol style="list-style-type: none"> <li>1. No authority to sub-delegate in respect of the delegation</li> <li>2. Subject to the same qualifications as applied to a S.57 decision</li> </ol>	<p>General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner</p>	Planning Authority
41	S60	<p>Council responding and issuing notices relating to compliance with certain permit conditions.</p>	No authority to sub-delegate in respect of the delegation	<p>General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner</p>	Planning Authority

42	S60H(3)	Minister may request information from Council or relevant state entity A council, to which a notice is given under subsection (1) is to take all reasonable steps to provide to the Minister, within the period specified in the notice, the information specified in the notice.	No authority to sub-delegate in respect of the delegation	General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner	Planning Authority
43	S60I(3)	Council to give notice in relation to eligibility of major project proposals A council that is provided under this section with a major project proposal may notify the Minister, in writing within 28 days, and advise the Minister why the project is not a major project.	No authority to sub-delegate in respect of the delegation	General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner	Planning Authority
44	S60S(4)(b)	Refund of ordinary permit where declaration of major project is made The planning authority to which the application was made must, as soon as practicable, refund to the applicant half of any fees that the applicant has paid in respect of the application.	No authority to sub-delegate in respect of the delegation	General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner	Planning Authority
45	S60S(5)	Refund of ordinary permit where declaration of major project is amended under S60TG(2) so that the declaration also relates to an additional area of land The Planning Authority to which the application was made must, as soon as practicable, refund the applicant half of any fees that the applicant has paid in respect of the application.	No authority to sub-delegate in respect of the delegation	General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner	Planning Authority
46	S60SA(6)	Service of certificate of development completion If the Commission issues a certificate of development completion under S60SA, the Commission must give a copy of the certificate of development completion, issued in relation to all, or part, of the area to which a major project permit relates to the planning authority in relation to the area of land.	No authority to sub-delegate in respect of the delegation	General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner	Planning Authority



47	S60TD(3)	<p>Notice of request under S60TC(1) (3)</p> <p>A person who receives a notice under subsection (1) in relation to a request under section 60TC(1) in relation to an additional area of land may, within 14 days, advise the relevant advice body as to the opinion of the person in relation to the proposed amendment of a declaration of a major project so that the declaration also relates to the additional area of land.</p>	No authority to sub-delegate in respect of the delegation	<p>General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner</p>	Planning Authority
48	S60ZX(1)	<p>Provision to Panel of further information</p> <p>A person to whom a request is made under section 60ZW(1) is to take all reasonable steps to provide to the Panel, as soon as practicable the information specified in the request.</p>	No authority to sub-delegate in respect of the delegation	<p>General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner</p>	Planning Authority
49	S60ZZP(10)	<p>Major project permit may be granted subject to conditions or restrictions Without limiting the conditions or restrictions that may be imposed under subsection (1), such a condition or restriction may specify that:</p> <p>(a) plans, information, designs, or other documents, are required, under the condition or restriction, to be prepared and provided to the Panel or a planning authority; and</p> <p>(b) particular actions or works are to be carried out to the satisfaction of the Panel or a planning authority.</p>	No authority to sub-delegate in respect of the delegation	<p>General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner</p>	Planning Authority
50	S60ZZZAA(5)	<p>Determination as to whether, and the manner in which, proposed significant amendment may be assessed</p> <p>After making a determination under S60ZZZAA(2), the relevant decision maker must, within 7 days after making that determination, give notice to the Council that is a relevant planning authority in relation to the project to which the major project permit relates.</p>	No authority to sub-delegate in respect of the delegation	<p>General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner</p>	Planning Authority

51	S60ZZZAB	<p>Enforcement certificates</p> <p>(3) If the Commission issues an enforcement certificate in relation to all or part of the land to which a major project permit relates, the Commission must give a copy of the enforcement certificate to the planning authority in relation to the land to which the major project relates.</p> <p>(4) An enforcement certificate is to specify the planning authority's responsibility for the enforcement of the Act.</p>	No authority to sub-delegate in respect of the delegation	<p>General Manager</p> <p>Manager Infrastructure and Development Services</p> <p>Development Services Coordinator</p> <p>Senior Town Planner</p>	Planning Authority
52	S61	Appeals against planning decisions.	<p>1. No authority to sub-delegate in respect of the delegation</p> <p>2. Not if the decision of the Council is contrary to the written recommendation</p>	<p>General Manager</p> <p>Manager Infrastructure and Development Services</p> <p>Development Services Coordinator</p> <p>Senior Town Planner</p>	Planning Authority
53	S63	<p>Obstruction of sealed schemes</p> <p>Initiate legal proceedings for obstruction of a planning scheme.</p>	No authority to sub-delegate in respect of the delegation	General Manager	Planning Authority
54	S63B(3)	<p>Notice of suspected contravention, &amp;c., may be given</p> <p>If a notice in relation to a contravention or failure, or likely contravention or failure, is given by to a planning authority, the planning authority must issue a notice in writing to the person as soon as practicable.</p>	<p>1. No authority to sub-delegate in respect of the delegation</p> <p>2. Delegation/provision will commence when Land Use Planning &amp; Approvals Act 2013 is enacted</p>	General Manager	Planning Authority
55	S64	<p>Civil enforcement proceedings</p> <p>Where a person contravenes or fails or is likely to contravene or fail to comply with a provision of this Part, a person, other than the Commission or a Planning Authority, who has, in the opinion of the Appeal Tribunal, a proper interest in the subject matter may apply to the Appeal Tribunal for an order.</p>	<p>1. No authority to sub-delegate in respect of the delegation</p> <p>2. The General Manager may only apply to the Resource Management and Planning Appeal Tribunal for an order upon the advice from the Manager Development Services that the application is in compliance with the relevant legislation</p>	General Manager	Planning Authority
56	S65B(5)	<p>Notice of intention to issue enforcement notice</p> <p>The planning authority must notify in writing an owner of land, in relation to which a notice of intention to issue an enforcement notice is served under subsection (1), if the person on whom the notice is served is not the owner of the land.</p>	<p>1. No authority to sub-delegate in respect of the delegation</p> <p>2. Delegation/provision will commence when Land Use Planning &amp; Approvals Act 2013 is enacted</p>	General Manager	Planning Authority

57	S65G	<p>Cancellation of permits</p> <p>A planning authority may cancel a permit in relation to land in the municipal area of the authority by issuing and serving a notice</p>	<p>1. No authority to sub-delegate in respect of the delegation</p> <p>2. Delegation/provision will commence when Land Use Planning &amp; Approvals Act 2013 is enacted</p>	General Manager	Planning Authority
58	S65I(2)	<p>Authorised officers</p> <p>A general manager of a council may authorise a person to be, for the purposes of this Act, an authorised officer in respect of the municipal area of the council.</p>	<p>1. No authority to sub-delegate in respect of the delegation</p> <p>2. Delegation/provision will commence when Land Use Planning &amp; Approvals Act 2013 is enacted</p>	General Manager	Planning Authority
59	<p>Part 4 - Generally</p> <p><u>PART 5</u></p>	<p>Enforcement of planning control</p> <p>Authority to represent the planning authority or to appoint a person to represent the planning authority and to give evidence, on a planning appeal or other action, including any mediation, before the Resource Management and Planning Appeals Tribunal or any other body of competent jurisdiction.</p> <p><u>AGREEMENTS</u></p>	<p>1. No authority to sub-delegate in respect of the delegation.</p> <p>2. Except where the Council makes such decision contrary to the written advice or recommendation of the Director Land and Environmental Services.</p>	<p>General Manager</p> <p>Manager Infrastructure and Development Services</p> <p>Development Services Coordinator</p> <p>Senior Town Planner</p>	Planning Authority
60	S71	<p>Planning Authority may enter into agreements.</p>	<p>1. No authority to sub-delegate in respect of the delegation</p> <p>2. The General Manager may only enter into an agreement upon the advice from the Manager Infrastructure and Development Services or the Development Services Coordinator that the application to which the agreement relates to is in compliance with the relevant legislation</p> <p>3. Except where the Council makes such decision contrary to the written advice or recommendation of the Director Land and Environmental Services</p>	General Manager	Planning Authority

61	S74(3)	Duration of Agreement An agreement may be ended by the Planning Authority with the approval of the Commission or by agreement between the authority and all persons who are bound by any covenant in the agreement.	1. No authority to sub-delegate in respect of the delegation 2. The General Manager may only end an agreement upon the advice from the Manager Infrastructure and Development Services or the Development Services Coordinator that the application to which the agreement relates to is in compliance with the relevant legislation	General Manager	Planning Authority
62	S75	Amendment of agreements.	No authority to sub-delegate in respect of the delegation	General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner	Planning Authority
63	S76	Agreement to be lodged with Commission.	No authority to sub-delegate in respect of the delegation	General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner	Planning Authority
64	S78	Registration of agreements, &c.	No authority to sub-delegate in respect of the delegation	General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner	Planning Authority
65	S80	Application to Appeal Tribunal An owner of land may apply to the Appeal Tribunal for an amendment to a proposed agreement if – a) Under a planning scheme, use or development for specified purposes is conditional upon an agreement being entered into; and b) The owner objects to any provision of the agreement.	No authority to sub-delegate in respect of the delegation	General Manager	Planning Authority

66	<u>SCHEDULE 6</u>	Savings and Transitional Provisions – Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme) Act 2015	<p><u>NOTE 1:</u> The transitional provisions in Schedule 6 provide for the transition from the current process under LUPAA and the current schemes to the Tasmanian Planning Scheme and the processes in the <i>new</i> LUPAA.</p> <p><u>NOTE 2:</u> Planning Schemes remain in operation until the Local Provision Schedules come into effect.</p> <p style="text-align: right;"><u>NOTE 3:</u></p> <p>Where an application to amend a Scheme has been made prior the amended LUPAA coming into effect 17 December 2015 then the previous legislation continues to operate for the purposes of that legislation until the Local Provision Schedules come into effect. The provisions of the previous legislation are set after these notes and the Schedule 6 provisions and are shaded.</p> <p><u>NOTE 4:</u> Where an application to amend a Scheme has been made prior the amended LUPAA coming into effect 17 December 2015 but has not been approved prior to the Local Provision Schedules come into effect the situation is different. In that case the provisions of the amended LUPAA apply. Council's have additional powers to alter a draft amendment in that situation as set out below under Sch 6(4) and (5).</p>
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#### AMENDMENT OF SCHEMES AND INTERIM SCHEMES

Provisions of the LUPAA (pre-Tasmanian Planning Scheme amendments) which apply under Schedule 6 of the amended LUPAA (see Note 3 above)

67	34(1)	Initiate amendment of planning scheme.	No authority to sub-delegate in respect of the delegation	General Manager	Planning Authority
68	34(3)	Withdrawal of amendment of planning scheme.	No authority to sub-delegate in respect of the delegation	General Manager	Planning Authority
69	34(4)	Notice of Withdrawal of amendment of planning scheme.	No authority to sub-delegate in respect of the delegation	General Manager	Planning Authority
70	38(1)	Public exhibition of draft amendment.	No authority to sub-delegate in respect of the delegation	General Manager	Planning Authority
71	39(2)	Representations to be provided to Commission in respect of draft amendments.	No authority to sub-delegate in respect of the delegation	General Manager	Planning Authority
72	43J	Correction or mistake in permits referred to in S.43H.	No authority to sub-delegate in respect of the delegation	General Manager	Planning Authority
73	43K	Minor amendment of permits referred to in S.43H.	No authority to sub-delegate in respect of the delegation	General Manager	Planning Authority

## 18 - Land Use Planning and Approvals Regulations 2004

This register is maintained in compliance with section 22 (4) of the Local Government Act 1993 (Tas).

### Notes on Delegation

- (1) A council, in writing, may delegate with or without conditions to the general manager, any of its functions or powers under any Act: s.22 *Local Government Act 1993* (Tas) (subject to restrictions).
- (2) The general manager, in writing, may delegate to an employee of the council (a) any functions or powers under any Act, other than this power of delegation; and (b) any functions or powers delegated by the council which the council authorised the general manager to delegate: s.64 *Local Government Act 1993* (Tas).
- (3) If an Act confers a power on a person to delegate a function or power, the person may, in accordance with the Act, delegate the function or power to (a) a person by name; or (b) the holder of a particular office or position by reference to the title of the office or position concerned, whether or not the office or position is vacant at the time of the delegation: s.23AA(1) *Acts Interpretation Act 1931* (Tas).
- (4) If a function or power is delegated to a particular officer or the holder of a particular office or position (a) the delegation does not cease to have effect merely because the person who was the particular officer or the holder of the particular office or position when the function or power was delegated ceases to be that officer or the holder of that office or position; and (b) the function or power may be performed or exercised by the person for the time being occupying or acting in the office or position concerned: s.23AA(5) *Acts Interpretation Act 1931* (Tas).
- (5) A function or power that has been delegated may, notwithstanding the delegation, be exercised by the delegator: s.23AA(6) *Acts Interpretation Act 1931* (Tas).
- (6) A planning authority may, by resolution, delegate any of its functions or powers under this Act other than this power of delegation to a person employed by the authority (Part 1, S. 6(3)).

### Notes on the Register (see table)

#### Note 1:

- (a) This section is to be populated by councils. It is suggested entries only be made in this column when the executed instrument of delegation is sighted by the officer making the entry. This will avoid this table being incorrectly relied on with respect to what instruments of delegation have been executed.
- (b) Councils may delegate functions and powers to a particular office or position eg - Senior Environmental Health Officer: s.23AA *Acts Interpretation Act 1931* (Tas)

#### Note 2:

This section of the table is to be populated by councils. Conditions or restrictions on the exercise of a power or function can be imposed by the person making the delegation (s.23AA *Acts Interpretation Act 1931* (Tas) & s.22 *Local Government Act 1993* (Tas)). Conditions or restrictions may also be contained in the legislation.

NOTE: The process of amendment of schemes remains in place via the transitional provisions of the 17 December 2015 amendments to LUPAA. Please refer to Schedule 6 toward the end of this document for details. Importantly delegations will need to be remade under the amended legislation - in particular under Schedule 6.

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
1	R4	Notification of approval of Local Provisions Schedule.	No authority to sub-delegate in respect of delegation	General Manager	Planning Authority
2	R5	Advertisement of exhibition of draft amendment, &c (to a planning scheme).	No authority to sub-delegate in respect of delegation	General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner	Planning Authority
3	R6	Notification of approval of draft amendment.	No authority to sub-delegate in respect of delegation	General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner	Planning Authority
4	R7	Notice of approval of Local Provisions Schedule.	No authority to sub-delegate in respect of delegation	General Manager	Planning Authority
5	R8	Notice of application for permit.	No authority to sub-delegate in respect of delegation	General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner	Planning Authority

## 19 - Litter Act 2007

This register is maintained in compliance with section 22 (4) of the Local Government Act 1993 (Tas).

### Notes on Delegation

(1) A council, in writing, may delegate with or without conditions to the general manager, any of its functions or powers under any Act: s.22 *Local Government Act 1993* (Tas) (subject to restrictions).

(2) The general manager, in writing, may delegate to an employee of the council (a) any functions or powers under any Act, other than this power of delegation; and (b) any functions or powers delegated by the council which the council authorised the general manager to delegate: s.64 *Local Government Act 1993* (Tas).

(3) If an Act confers a power on a person to delegate a function or power, the person may, in accordance with the Act, delegate the function or power to (a) a person by name; or (b) the holder of a particular office or position by reference to the title of the office or position concerned, whether or not the office or position is vacant at the time of the delegation: s.23AA(1) *Acts Interpretation Act 1931* (Tas).

(4) If a function or power is delegated to a particular officer or the holder of a particular office or position (a) the delegation does not cease to have effect merely because the person who was the particular officer or the holder of the particular office or position when the function or power was delegated ceases to be that officer or the holder of that office or position; and (b) the function or power may be performed or exercised by the person for the time being occupying or acting in the office or position concerned: s.23AA(5) *Acts Interpretation Act 1931* (Tas).

(5) A function or power that has been delegated may, notwithstanding the delegation, be exercised by the delegator: s.23AA(6) *Acts Interpretation Act 1931* (Tas).

### Notes on the Register (see table)

#### Note 1:

(a) This section is to be populated by councils. It is suggested entries only be made in this column when the executed instrument of delegation is sighted by the officer making the entry. This will avoid this table being incorrectly relied on with respect to what instruments of delegation have been executed.

(b) Councils may delegate functions and powers to a particular office or position eg - Senior Environmental Health Officer: s.23AA *Acts Interpretation Act 1931* (Tas)

#### Note 2:

This section of the table is to be populated by councils. Conditions or restrictions on the exercise of a power or function can be imposed by the person making the delegation (s.23AA *Acts Interpretation Act 1931* (Tas) & s.22 *Local Government Act 1993* (Tas)). Conditions or restrictions may also be contained in the legislation.



No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
1	S8	Power of councils to appoint employees as authorized officers The general manager of a council may appoint an employee of the council to be an authorized officer for the purposes of this Act.		Development Services Coordinator Environmental Health Officer Manager Infrastructure and Development Services Works Operations Manager Works Support Officer	General Manager
2	S38	Recovery of costs arising from litter abatement notices.		General Manager Development Services Coordinator Environmental Health Officer Manager Infrastructure and Development Services Works Operations Manager Works Support Officer	Council

## 20 - Local Government Act 1993

This delegations register does not address the keeping and use of the common seal or the execution of documents - see s.19.

### DELEGATIONS & AUTHORISATIONS

- 1 A council, in writing, may delegate with or without conditions to the general manager, any of its functions or powers under any Act: s.22 Local Government Act 1993 (subject to restrictions).
- 2 The general manager, in writing, may delegate to an employee of the council (a) any functions or powers under any Act, other than this power of delegation; and (b) any functions or powers delegated by the council which the council authorised the general manager to delegate: s.64 Local Government Act 1993.  
If an Act confers a power on a person to delegate a function or power, the person may, in accordance with the Act, delegate the function or power to (a) a person by name; or (b) the holder of a particular office or position by reference to the title of the office or position concerned, whether or not the office or position is vacant at the time of the delegation: s.23AA(1) of the Acts Interpretation Act 1931.  
If a function or power is delegated to a particular officer or the holder of a particular office or position (a) the delegation does not cease to have effect merely because the person who was the particular officer or the holder of the particular office or position when the function or power was delegated ceases to be that officer or the holder of that office or position; and (b) the function or power may be performed or exercised by the person for the time being occupying or acting in the office or position concerned: s.23AA(5) of the Acts Interpretation Act 1931.
- 3
- 4
- 5 A function or power that has been delegated may, notwithstanding the delegation, be exercised by the delegator: s.23AA(6) of the Acts Interpretation Act 1931.
- 6 The execution of a document sealed by a council is to be attested by such persons as the council determines (s 19(5)).

Notes on the Register (see table)

Note 1:

- (a) This section is to be populated by councils. It is suggested entries only be made in this column when the executed instrument of delegation is sighted by the officer making the entry. This will avoid this table being incorrectly relied on with respect to what instruments of delegation have been executed.
- (b) Councils may delegate functions and powers to a particular office or position eg - Senior Environmental Health Officer: s.23AA *Acts Interpretation Act 1931* (Tas)

Note 2:

This section of the table is to be populated by councils. Conditions or restrictions on the exercise of a power or function can be imposed by the person making the delegation (s.23AA *Acts Interpretation Act 1931* (Tas) & s.22 *Local Government Act 1993* (Tas)). Conditions or restrictions may also be contained in the legislation.

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
1	S20A	In order that a Council may perform its functions or exercise its powers under this or any other Act, the General Manager authorises a person to enter land for a specific purpose or in general	<p>1. The General Manager must give notice to the owner or occupier of the land before entry is made unless: An emergency exists; or The entry is in relation to an application by the owner or occupier for a licence, permit or other approval given by the Council; or Notice would defeat the purpose of entry.</p> <p>2. A person entering land under this section is to produce the identity card issued to that person.</p>	Animal Control Officer Development Services Coordinator Environmental Health Officer Senior Town Planner Planning Officer Project Officer Building Surveyor Technical Officer Development Services Manager Infrastructure and Development Services Works Operations Manager NRM Officer Development Services Administration Officer Works Support Officer Asset/GIS Officer Municipal Emergency Management Coordinator Deputy Municipal Emergency Management Coordinator	General Manager
2	S22	Delegation (of functions and powers) by Council.	Subject to the rates and charges policies and procedures, not to be sub-delegated (see S.22)	General Manager	Council

3	S22(2)	Power to approve Rate Remissions for interest and penalties up to the value of \$150.00 per property per financial year.	1. No authority for the General Manager to sub-delegate 2. Request from the ratepayer must be received in writing 3. A list of delegations approved by the General Manager will be provided in the Council Agenda each month under the General Manager's Report under "Actions Approved under Delegation"	General Manager	Council
4	S28D	Documents relating to agendas.	Nil Conditions or Restrictions	General Manager	Council
5	S28JA(4)	Dispute Resolution Policy General Manager of a Council must ensure that a copy of the Councils dispute resolution policy is available (a) on the website of the Council and (b) on the request of a person	Nil Conditions or Restrictions	Executive Officer	General Manager
6	S28S(3)	Contents of Code of conduct The general manager is to make a copy of the council's code of conduct available – a) For public inspection, free of charge, at the public office of the council during ordinary office hours and on its website; and b) For purchase at a reasonable charge.	Nil Conditions or Restrictions	General Manager	Council
7	S28Y	Initial assessment of complaint by general manager On receiving a code of conduct complaint, a general manager is to assess the complaint to determine whether it meets the requirements of section 28V.	Nil Conditions or Restrictions	General Manager	Council
8	S28ZK	Notification of determination of code of conduct complaint.	Nil Conditions or Restrictions	General Manager	Council

9	S55D	Register of pecuniary interests of members of audit panel The general manager is to keep a register of the interests of members of audit panels. The general manager is to enter into the register the details of an interest of a member of audit panel when notified as specified in section 55C(4).	Nil Conditions or Restrictions	General Manager Business Services Manager Corporate Services Coordinator Executive Officer	Council
10	S56B	Gifts and donations register The general manager is to keep a register of the gifts and donations referred to in section 56A(1) that have been received by councillors.	Nil Conditions or Restrictions	General Manager Business Services Manager Corporate Services Coordinator Executive Officer	Council
11	S65	Duty to ensure that advice, recommendations or information given is by a qualified person and certify the same to Council.	Nil Conditions or Restrictions	General Manager	Council
12	S72	Providing Annual report A council must prepare an annual report.	Nil Conditions or Restrictions	General Manager	Council
13	S72B	Notice of AGM A council must hold an Annual General Meeting on a date that is not later than 15 December in each year; and is not before 14 days after the date of the first publication of a notice under subsection (2). A council must publish a notice in a daily newspaper circulating in the municipal area or other prescribed newspaper specifying the date, time and place of the Annual General Meeting.	Nil Conditions or Restrictions	General Manager	Council

14	S74	<p>Expenditure</p> <p>A Council may expend its funds for the purpose of exercising its powers or carrying out its functions under this or any other Act within the estimates adopted under Section 82.</p>	Nil Conditions or Restrictions	<p>General Manager</p> <p>Business Services Manager</p> <p>Corporate Services Coordinator</p> <p>Manager Community Services</p> <p>Manager Infrastructure and Development Services</p> <p>Development Services Coordinator</p> <p>Works Operations Manager</p>	Council General Manager
15	S75	<p>Investments</p> <p>A Council may invest any money –</p> <p>(a) In any manner in which a trustee is authorised by law to invest trust funds; and</p> <p>(b) In any investment the Treasurer approves.</p>	In accordance with Council's investment policies as reviewed from time to time	<p>General Manager</p> <p>Business Services Manager</p> <p>Corporate Services Coordinator</p> <p>Senior Finance Officer</p>	Council General Manager
16	S76	<p>Writing off bad debts</p> <p>A council may write off any debts owed to the council if there are no reasonable prospects of recovering the debt; or if the costs of recovery are likely to equal or exceed the amount to be recovered.</p>	<p>1. No authority for the General Manager to Sub-delegate</p> <p>2. The General Manager may only write off debts that do not exceed the amount of \$150.00</p>	General Manager	Council

17	S77	Power to approve a pecuniary grant for the purpose of assisting junior sporting identities to attend national sporting events or for students applying for assistance with academic excellence.	<ol style="list-style-type: none"> <li>1. No authority for the General Manager to Sub-delegate</li> <li>2. The General Manager may only approve any such grant or benefit upon receiving setting out the nature, date and location of the sporting event for which the grant is sought or details of academic assistance sought</li> <li>3. That only one (1) grant of up to \$200 per applicant per calendar year can be approved by the General Manager</li> <li>4. That the total expenditure for a financial year under this delegation must be reported under the "Grants and Benefits" section of the Annual Report</li> </ol>	General Manager	Council
18	S81	<p>Authorised deposit-taking institution accounts</p> <p>A Council may establish and maintain in its corporate name such authorized deposit-taking institution accounts as it considers necessary.</p>	This applies to all account signatories.	<p>General Manager</p> <p>Business Services Manager</p> <p>Corporate Services Coordinator</p>	Council
19	S84(1) (3) (4)	<p>Financial Statements</p> <p>The general manager is to prepare and forward to the Auditor General a copy of the council's financial statements for each financial year in accordance with the Audit Act 2008.</p>	This section will be affected by Part 4 of the <i>Local Government (Miscellaneous Amendment) Act 2013</i> which is yet to commence.	General Manager	Council
20	S92(2)(3)	<p>Adjustment of amount payable</p> <p>The General Manager is to issue a supplementary notice in accordance with section 122 in respect of any amount payable as a result of an adjustment under this section.</p> <p>The General Manager may refund or give credit for any amount paid in respect of a rate in excess of the amount payable as a result of an adjustment under this section.</p>	<ol style="list-style-type: none"> <li>1. No authority to delegate further.</li> <li>2. In accordance with Rates and Charges Policy.</li> </ol>	<p>Business Services Manager</p> <p>Corporate Services Coordinator</p>	General Manager

21	S110	Record of Rates	Nil Conditions or Restrictions	General Manager Business Services Manager Corporate Services Coordinator	Council General Manager
22	S111	Ownership If the general manager is of the opinion that a person may or may not be the owner of land, the general manager may require that person to make a statutory declaration in respect of his or her interest in that land.	1. No authority to delegate further. 2. Nil Conditions or Restrictions	General Manager Business Services Manager Corporate Services Coordinator	Council General Manager
23	S124	Instalment payments A Council may permit a ratepayer to pay in instalments. The Council may decide that any rates are payable by instalments.	Nil Conditions or Restrictions	General Manager	Council
24	S126	Conditions of postponement A council may grant a postponement of the payment of rates for a specified period if satisfied that such payment would cause hardship.	Request for postponement of the payment of rates must be received in writing addressed to the General Manager	General Manager	Council
25	S127	Postponement ceases to operate A council may, at any time, revoke a postponement of payment of rates by giving 60 days notice in writing to the ratepayer of the date on which the postponement ceases to operate.	1. No authority to delegate further. 2. Nil Conditions or Restrictions	General Manager	Council
26	S129	Remission of rates The general manager is to keep a record of the details of any remission granted under this section.	1. No authority to delegate further. 2. Nil Conditions or Restrictions	General Manager	Council
27	S132(4)	Certificate of liabilities On receipt of an application, the general manager is to issue a certificate containing the details referred to in subsection (1).	Nil Conditions or Restrictions	Business Services Manager Corporate Services Coordinator	General Manager
28	Div 10 S133-135	Recovery A Council can recover debts due to unpaid rates.	1. No authority to delegate further. 2. Nil Conditions or Restrictions	General Manager	Council



29	S139A	Register of Money The general manager is to keep a register of any money remaining after payments and discharges are made under section 139.	Nil Conditions or Restrictions	General Manager Business Services Manager Corporate Services Coordinator	Council
30	S175	Purchase or lease of land A council may purchase or lease land for any purpose which it considers to be of benefit to the council or the community.	<ul style="list-style-type: none"> <li>Restricted to leasing of land to Council and for a maximum of three (3) years; and does not include purchase or land.</li> <li>Relates to land leased to Council not land leased by Council.</li> </ul>	General Manager	Council
31	S176	Acquisition of land A council may acquire land for prescribed purposes in accordance with the Land Acquisition Act 1993.	Restricted to the delegated provisions of S.37(d)(e)(ea) of the Local Government (General) Regulations 2005.	General Manager	Council
32	S182	Fencing land The general manager, by notice in writing served on the owner or occupier of land, may require the owner or occupier to fence the land.	Nil Conditions or Restrictions.	Development Services Coordinator Manager Infrastructure and Development Services Works Operations Manager Animal Control Officer Technical Officer Development Services	General Manager
33	S183	Land reinstated The general manager, by notice in writing, may require the owner or occupier to rehabilitate land from which soil, rock, sand or material has been extracted at any time after the commencement of this Act.	Nil Conditions or Restrictions.	Environmental Health Officer Development Services Coordinator Manager Infrastructure and Development Services Senior Town Planner	General Manager

34	S185	<p>Compliance with notice</p> <p>A person served with a notice under this Division must undertake any work required to be done under the notice in accordance with the terms of the notice and within the period specified in the notice.</p>	Nil Conditions or Restrictions.	<p>General Manager</p> <p>Environmental Health Officer</p> <p>Development Services Coordinator</p> <p>Manager Infrastructure and Development Services</p> <p>Works Operations Manager</p> <p>Animal Control Officer</p> <p>Technical Officer</p> <p>Development Services</p>	Council General Manager
35	S189	<p>Closure of local highways (markets)</p> <p>Power to allow a person to conduct a market and to close a local highway or part of a local highway for the purpose of any such market.</p>	<ul style="list-style-type: none"> <li>Under Section 189(2) the General Manager has a duty to publish a notice of intention in a public newspaper if it is intended that a local highway or any part of a local highway is to be closed.</li> <li>Delegated to the General Manager only.</li> </ul>	General Manager	Council
36	S190(3)	<p>Objections</p> <p>A council is to consider any objection before closing a local highway or part of a local highway.</p>	Nil Conditions or Restrictions.	General Manager	Council
37	S193	<p>Establishment of pounds</p> <p>A council may establish pounds for the detention of stray animals.</p>	Nil Conditions or Restrictions.	General Manager	Council
38	S194	<p>Impounding of animals</p> <p>The general manager may impound any animal found straying or at large on any highway; or on any land owned by, or under the control of, the council.</p>	Nil Conditions or Restrictions	<p>Environmental Health Officer</p> <p>Development Services Coordinator</p> <p>Manager Infrastructure and Development Services</p> <p>Works Operations Manager</p> <p>Animal Control Officer</p> <p>Works Support Officer</p> <p>Municipal Workers</p>	General Manager

39	S195	<p>Notice of impounding</p> <p>If an animal has not been claimed by its owner or a person on behalf of the owner within 48 hours of it being impounded, the general manager is to give notice to the owner of the animal.</p>	Nil Conditions or Restrictions	<p>Environmental Health Officer</p> <p>Development Services Coordinator</p> <p>Manager Infrastructure and Development Services</p> <p>Works Operations Manager</p> <p>Animal Control Officer</p> <p>Works Support Officer</p> <p>Municipal Workers</p>	General Manager
40	S196	<p>Fees, costs and charges</p> <p>The owner of an impounded animal is liable to pay the fees, costs and charges incurred by the council in respect of the impounding, maintenance and treatment of the animal.</p>	Nil Conditions or Restrictions	<p>Manager Infrastructure and Development Services</p> <p>Works Operations Manager</p> <p>Animal Control Officer</p>	General Manager
41	S197	<p>Sale or destruction of unclaimed animals</p> <p>Power to sell, give away, or destroy an impounded animal.</p>	Nil Conditions or Restrictions	<p>General Manager</p> <p>Manager Infrastructure and Development Services</p> <p>Animal Control Officer</p>	Council General Manager
42	S198	<p>Destruction of animals</p> <p>The general manager may arrange for an impounded animal to be destroyed if, in the opinion of a qualified veterinary surgeon, the animal is seriously diseased; or so injured or disabled as to be apparently in continual pain.</p> <p>The owner must be notified within 14 days.</p>	Nil Conditions or Restrictions	<p>Works Operations Manager</p> <p>Manager Infrastructure and Development Services</p> <p>Animal Control Officer</p>	General Manager

43	S200	<p>Abatement notices</p> <p>If a council is satisfied that a nuisance exists, the general manager must serve a notice on –</p> <p>a) Any person whose act or default contributes to or causes the nuisance whether or not that act or default occurs wholly or only partly in the municipal area; or</p> <p>b) If the person cannot be ascertained or found, on the owner or occupier of the land on, or from which, the nuisance arises.</p>	Nil Conditions or Restrictions	<p>General Manager</p> <p>Development Services Coordinator</p> <p>Manager Infrastructure and Development Services</p> <p>Animal Control Officer</p> <p>Environmental Health Officer</p> <p>Technical Officer</p> <p>Development Services</p> <p>Building Surveyor</p>	Council General Manager
44	S201	<p>General manager may take necessary action</p> <p>Power to take necessary action to abate a nuisance if –</p> <p>a) There is an immediate danger to any person or property; or</p> <p>b) The person causing the nuisance cannot be ascertained or found; or</p> <p>c) An abatement notice has not been complied with.</p>	Nil Conditions or Restrictions	<p>Development Services Coordinator</p> <p>Manager Infrastructure and Development Services</p> <p>Animal Control Officer</p> <p>Environmental Health Officer</p> <p>Technical Officer</p> <p>Development Services</p> <p>Building Surveyor</p>	General Manager
45	S207	<p>Remission of fees and charges</p> <p>Power to remit any charges up to \$750 ordinarily imposed as a hire fee under Section 205(1)(a) of the Local Government Act 1993 for the use of any property or facility owned or managed by the Council.</p>	<p>The General Manager may only remit charges up to \$750 for a particular applicant in a financial year, when the use of the facility is not covered by an existing lease of that facility by the applicant. Upon receiving an application in writing advising of the nature, date, reasons for the request and benefits it represents to the community and location of the event for which the waiver is sought.</p>	General Manager	Council

46	S207	Remission of fees and charges Power to remit any charges up to \$500 ordinarily imposed as a hire fee under Section 205(1)(a) of the Local Government Act 1993 for the use of any property or facility owned or managed by the Council.	The Business Services Manager or Corporate Services Coordinator may only remit charges up to \$500 for a particular applicant in a financial year, when the use of the facility is not covered by an existing lease of that facility by the applicant. Upon receiving an application in writing advising of the nature, date, reasons for the request and benefits it represents to the community and location of the event for which the waiver is sought.	Business Services Manager Corporate Services Coordinator	General Manager
47	S240	Appearances in court	Nil Conditions or Restrictions	General Manager	Council
48	S261(1)	List of electors The general manager is to – a) Prepare and keep a list of electors from the electoral roll kept under S.258(1) as at the time of closure referred to in S.260; and b) Certify that the list is correct.	Nil Conditions or Restrictions	General Manager Executive Officer	Council General Manager
49	S333A	Tender A council must invite tenders for any contract it intends to enter into for the supply or provision of goods or services valued at or above the prescribed amount.	In accordance with Councils Procurement Policy (Code for Tenders and Contracts) LG07.	General Manager Business Services Manager Corporate Services Coordinator Manager Infrastructure and Development Services Development Services Coordinator Manager Community Services	Council General Manager
50	S336	Power to use the Council arms in any manner they think fit.	Nil Conditions or Restrictions	General Manager	Council

51	S337	Council land information certificate A person may apply in writing to the general manager for a certificate in respect of information relating to land specified and clearly identified in the application.	Subclause (8) in accordance with Council's Schedule of Fees and Charges.	Development Services Coordinator Manager Infrastructure and Development Services	General Manager
52	S339G	Electronic collection or inspection of information, records or documents in an emergency Subject to subsection (2) and despite any other provision of this Act, if the general manager of a council is satisfied that an emergency exists that makes the collection, or inspection, of any information, record or document in person at a public office impracticable, the general manager may authorise, in writing, for any information, record or document – (a) that is required under a provision of this Act to be collected in person at a public office, to be made available for collection, free of charge, by electronic means; or (b) that is required under a provision of this Act to be inspected in person at a public office, to be made available for inspection – (i) free of charge by electronic means; and (ii) on request, by sending a paper copy to a person by post, free of charge.	(2) Subsection (1)(b) does not apply to an inspection under section 259(1) or section 261A .		General Manager
53	S344	Rounding of rates, &c.	Nil Conditions or Restrictions	General Manager	Council

## 21 - Local Government (Building and Miscellaneous Provisions) Act 1993

### DELEGATIONS & AUTHORISATIONS

- \* A council, in writing, may delegate with or without conditions to the general manager, any of its functions or powers under any Act: s.22 Local Government Act 1993 (subject to restrictions).
- \* The general manager, in writing, may delegate to an employee of the council (a) any functions or powers under any Act, other than this power of delegation; and (b) any functions or powers delegated by the council which the council authorised the general manager to delegate: s.64 Local Government Act 1993.
- If an Act confers a power on a person to delegate a function or power, the person may, in accordance with the Act, delegate the function or power to (a) a person by name; or (b) the holder of a particular office or position by reference to the title of the office or position concerned, whether or not the office or position is vacant at the time of the delegation: s.23AA(1) of the Acts Interpretation Act 1931.
- \* If a function or power is delegated to a particular officer or the holder of a particular office or position (a) the delegation does not cease to have effect merely because the person who was the particular officer or the holder of the particular office or position when the function or power was delegated ceases to be that officer or the holder of that office or position; and (b) the function or power may be performed or exercised by the person for the time being occupying or acting in the office or position concerned: s.23AA(5) of the Acts Interpretation Act 1931.
- \* A function or power that has been delegated may, notwithstanding the delegation, be exercised by the delegator: s.23AA(6) of the Acts Interpretation Act 1931.

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
1	S83	Approval of plan of subdivision Power for approval of plan of subdivision	No authority for the General Manager to sub-delegate.	General Manager	Council
2	S84	Council not to approve subdivision If – a) Any proposed lot has not the qualities of a minimum lot; or b) It includes any lot or other block of land smaller than is required or permitted by a finally approved planning scheme; or c) The subdivision includes any road or other works whereby drainage will be concentrated and discharged into any drain or culvert on or under any State highway.	No authority for the General Manager to sub-delegate.	General Manager	Council

3	S85	<p>Refusal of application for subdivision</p> <p>The council may refuse to approve a plan of subdivision if it is of the opinion the roads will not sui public convenience or the drainage of the roads will not be satisfactorily carried off amongst other things.</p>	No authority for the General Manager to sub-delegate.	General Manager	Council
4	S86	<p>Security for payment</p> <p>Before approving a plan of subdivision, the council may</p> <p>a) Require security for payments and the execution of works; and</p> <p>b) Refuse to approve the application until such security is given.</p>	No authority for the General Manager to sub-delegate.	General Manager	Council
5	S89	<p>Approval of final plans</p> <p>The Council has 20 (business) days from the lodgment of final plans to make a determination on whether they comply.</p>	<p>1. No authority for the General Manager to sub-delegate.</p> <p>2. The General Manager may only approve and seal a final plan where it is in accordance with a planning permit.</p> <p>3. The General Manager is not to approve a final plan unless he has received advice from the Development Services Coordinator or the Manager Infrastructure and Development Services that the application is compliant with all of the relevant legislation.</p>	General Manager	Council
6	S91(3)	<p>Corrections to final plans</p> <p>The council or owner may object to the making of any correction within 7 days of receiving a notice under subsection (2).</p>	<p>1. No authority for the General Manager to sub-delegate.</p> <p>2. The General Manager may only object to the making of a correction to a final plan upon advice from the Development Services Coordinator or the Manager Infrastructure and Development Services that the application is compliant with all of the relevant legislation.</p>	General Manager	Council



7	S92	<p>Amendments to final plans</p> <p>If the Recorder of Titles under section 89 (5) requires an amendment to a final plan, the council if it considers that the amendment should not be approved, is to withdraw the plan and return it to the owner; or in any other case, notify the Recorder and the owner that it does not oppose the amendment.</p>	No authority for the General Manager to sub-delegate.	General Manager	Council
8	S93	<p>Cancellation of final plans</p> <p>The council is to cancel its seal on a final plan if the plan is withdrawn from the Recorder of Titles; or the plan is rejected by the Recorder of Titles. The council is to return a plan cancelled under subsection (1) to the owner.</p>	No authority for the General Manager to sub-delegate.	General Manager	Council
9	S96	<p>Dedication as highway</p> <p>If a sealed plan shows provision for widening or deviating a way on, or adjoining, land comprised in the plan, an obligation runs with that land to dedicate it as a highway if required to do so by the highway authority.</p>	No authority for the General Manager to sub-delegate.	General Manager	Council
10	S103	<p>Amendment of sealed plans</p> <p>When a plan has taken effect, it may be amended by the council of its own motion.</p>	<p>1. No authority for the General Manager to sub-delegate.</p> <p>2. The General Manager may only amend sealed plans upon advice from the Development Services Coordinator or the Manager Infrastructure and Development Services that the amendment complies with the relevant legislation.</p>	General Manager	Council
11	S104(1)	Hearing in respect of amendment of plans.	No authority for the General Manager to sub-delegate.	General Manager	Council

12	S105(2)	<p>Compensation in respect of amendments</p> <p>If compensation is payable under subsection (1) , the council may recover against the petitioner and any person heard or asking to be heard in support of the amendment to the extent to which they benefited by the amendment.</p>	No authority for the General Manager to sub-delegate.	General Manager	Council
13	S107	<p>Access orders</p> <p>The council considers that work of a substantial nature is needed to provide access for vehicles from a highway onto the block, it may refuse to seal the final plan under which the block is created until the owner has carried out the work specified in the order within the specified period or given the council security for carrying out that work if called upon by it to do so.</p>	<p>1. No authority for the General Manager to sub-delegate.</p> <p>2. The General Manager may only make an order upon advice from the Development Services Coordinator or the Manager Infrastructure and Development Services that the amendment complies with the relevant legislation</p>	General Manager	Council
14	S109(6)	<p>Minimum lots</p> <p>If land may be used only as a place of business the restriction on it use –</p> <p>a) Is to be set out above the council's seal on the final plan of the subdivision; and</p> <p>b) Is enforceable by the Council.</p>	No authority for the General Manager to sub-delegate	General Manager	Council
15	S110	<p>Adhesion orders</p> <p>The council may make an adhesion order if a block</p> <p>a) Has the qualities of a minimum lot; and</p> <p>b) Comprises 2 parcels or more that may, without the approval of any plan by the council, lawfully be sold separately so as to create a block which</p> <p>i) Would not have the qualities of a minimum lot; and</p> <p>ii) Is or in the opinion of the council is likely to be, built on or bought for building.</p>	<p>1. No authority for the General Manager to sub-delegate.</p> <p>2. The General Manager may only make adhesion order upon advice from the Development Services Coordinator or the Manager Infrastructure and Development Services that the amendment complies with the relevant legislation.</p>	General Manager	Council

16	S112	<p>Purposes for which plan approved</p> <p>The council is to state on the plan one of the following purposes for which the plan is approved:</p> <p>i) For the purpose of enabling the approved lot to form a single parcel;</p> <p>ii) For the purpose of enabling a purchaser to acquire all the sub-minimum lots which together form the minimum lot shown on the plan;</p> <p>iii) For the purpose of enabling the portions of the approved lot to form a single parcel or for enabling a purchaser to acquire all the sub-minimum lots which together are to form the minimum lot, as well as for the purpose of giving effect to the subdivision.</p>	No authority for the General Manager to sub-delegate.	General Manager	Council
17	S113(4)	<p>Bringing land under Land Titles Act 1980</p> <p>If a plan of subdivision approved by the council and lodged in the office of the Recorder of Titles includes any adjoining land to be added that is not under the provisions of the Land Titles Act 1980, the Recorder is not to take any further action upon the plan until applications to bring the land under those provisions have been made under Section 11 of that Act.</p>	No authority for the General Manager to sub-delegate.	General Manager	Council
18	S115	<p>Exemption</p> <p>Council may exempt a subdivision from the operation of this Part.</p>	<p>1. No authority for the General Manager to sub-delegate.</p> <p>2. The General Manager may only exempt a subdivision from the provisions upon advice from the Development Services Coordinator or the Manager Infrastructure and Development Services that the amendment complies with the relevant legislation.</p>	General Manager	Council

19	S116	<p>Limitation on requirement for public open space</p> <p>If the council requires an owner to increase the area for public open space so that the value of the total area approved for open space in the final plan exceeds the value of the area provided for open space in the plan of subdivision; or having failed to approve a plan for subdivision on a ground that the layout should be altered to include or omit public open space, subsequently approves a fresh plan in which the value of the total area of land reserved for public open space exceeds the value of all such land in the original plan –</p> <p>and the value of the area reserved for open space in the plan also exceeds the value of one-twentieth of the whole area comprised in the plan of subdivision, the council must purchase the excess as provided in this section.</p>	No authority for the General Manager to sub-delegate.	General Manager	Council
20	S117	<p>Payment instead of increasing public open space</p> <p>Instead of requiring an owner to increase the area for public open space, the council, before approving a plan of subdivision may require security for the payment of an amount.</p>	No authority for the General Manager to sub-delegate.	General Manager	Council
21	S118	<p>Council schemes</p> <p>Before the council disposes of lands in circumstances in which, if the disposition were that of a private person the plan would require approval under this Part, it is to prepare a plan of subdivision that it would approve if it were a private person's plan.</p>	No authority for the General Manager to sub-delegate.	General Manager	Council
22	Part 7	Long Service Leave and Employees Assurance Scheme.	No authority for the General Manager to sub-delegate.	General Manager	Council

23	S241(1)	<p>Preservation orders</p> <p>A council, on the recommendation of the National Trust of Australia (Tasmania) may by order –</p> <p>a) Prohibit the demolition of a building that is by itself or with others of historical or architectural interest or of special beauty; and</p> <p>b) Prohibit the alteration of or adding to the building except as the council may approve; and</p> <p>c) Require the owner to keep the building in good and tenantable repair.</p>	No authority for the General Manager to sub-delegate.	General Manager	Council
24	S243	<p>Preservation order is enforceable</p> <p>A preservation order –</p> <p>a) Operates as a covenant between the owner and the owner and the council that the owner, executors, administrators and assigns will comply with the order; and</p> <p>b) Runs with the land in equity; and</p> <p>c) Is enforceable by the council as if it were owner of all other lands in the municipal area and the tenants were natural persons holding of the council for life.</p>	No authority for the General Manager to sub-delegate.	General Manager	Council
25	S244	<p>Registering preservation order</p> <p>On receipt of a sealed copy and certificate under subsection (1) the Recorder of Titles is to –</p> <p>a) register the preservation order by entering a memorial on the folio of the Register identified by the certificate; and</p> <p>b) endorse the memorial on the folio of the Register, under the Land Titles Act 1980 , for the land.</p>	No authority for the General Manager to sub-delegate.	General Manager	Council

26	S246	<p>Advertising hoardings</p> <p>A person must not, within a municipal area, erect, put up, place or use or permit to be erected, put up, placed or used, any hoarding or similar structure for advertising purposes without a licence from the council.</p>	Nil	<p>General Manager Manager Infrastructure and Development Services Environmental Health Officer Development Services Coordinator Technical Officer Development Services Building Surveyor</p>	Council General Manager
27	S247	<p>Removal of advertising hoardings</p> <p>Council may issue or refuse a licence to any person.</p>	Nil	<p>General Manager Manager Infrastructure and Development Services Environmental Health Officer Development Services Coordinator Technical Officer Development Services Building Surveyor</p>	Council
28	S248	<p>Power to demolish, remove or remedy any building erected or constructed over or under a Council drain or a drain connected to a Council drain.</p>	No authority to sub-delegate in respect of this delegation.	<p>General Manager Manager Infrastructure and Development Services</p>	Council

## 22 - Local Government (General) Regulations 2025

### DELEGATIONS & AUTHORISATIONS

- 1 A council, in writing, may delegate with or without conditions to the general manager, any of its functions or powers under any Act: s.22 Local Government Act 1993 (subject to restrictions).
- 2 The general manager, in writing, may delegate to an employee of the council (a) any functions or powers under any Act, other than this power of delegation; and (b) any functions or powers delegated by the council which the council authorised the general manager to delegate: s.64 Local Government Act 1993.  
If an Act confers a power on a person to delegate a function or power, the person may, in accordance with the Act, delegate the function or power to (a) a  
3 person by name; or (b) the holder of a particular office or position by reference to the title of the office or position concerned, whether or not the office or position is vacant at the time of the delegation: s.23AA(1) of the Acts Interpretation Act 1931.  
If a function or power is delegated to a particular officer or the holder of a particular office or position (a) the delegation does not cease to have effect merely  
4 because the person who was the particular officer or the holder of the particular office or position when the function or power was delegated ceases to be that officer or the holder of that office or position; and (b) the function or power may be performed or exercised by the person for the time being occupying or acting in the office or position concerned: s.23AA(5) of the Acts Interpretation Act 1931.
- 5 A function or power that has been delegated may, notwithstanding the delegation, be exercised by the delegator: s.23AA(6) of the Acts Interpretation Act 1931.

Notes on the Register (see table)

Note 1:

- (a) This section is to be populated by councils. It is suggested entries only be made in this column when the executed instrument of delegation is sighted by the officer making the entry. This will avoid this table being incorrectly relied on with respect to what instruments of delegation have been executed.
- (b) Councils may delegate functions and powers to a particular office or position eg - Senior Environmental Health Officer: s.23AA *Acts Interpretation Act 1931* (Tas)

Note 2:

This section of the table is to be populated by councils. Conditions or restrictions on the exercise of a power or function can be imposed by the person making the delegation (s.23AA *Acts Interpretation Act 1931* (Tas) & s.22 *Local Government Act 1993* (Tas)). Conditions or restrictions may also be contained in the legislation.

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
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1	R24 (2) (3) (4) (5)	<p>Public tenders</p> <p>A council, through a public tender process, may establish a standing contract in which a single tenderer or multiple tenderers may be contracted for a specified period to provide specified goods or services during that period without the need for a further tender process.</p>	Nil Conditions or Restrictions	<p>General Manager</p> <p>Manager Infrastructure and Development Services</p> <p>Works Operations Manager</p> <p>Development Services Coordinator</p> <p>Business Services Manager</p> <p>Corporate Services Coordinator</p>	Council
2	R25	<p>Open tenders</p> <p>The general manager is to ensure that prospective tenderers are provided with the following in order to make a tender:</p> <ul style="list-style-type: none"> <li>a) Details of the goods or services required;</li> <li>b) Details of the duration of the contract, including any extensions that are specified in the contract;</li> <li>c) The criteria for evaluating tenders;</li> <li>d) The method of evaluating tenders against the evaluation criteria;</li> <li>e) Any mandatory tender specifications and contract conditions;</li> <li>f) A reference to the council's code relating to tenders and contracts.</li> </ul>	Nil Conditions or Restrictions	<p>Manager Infrastructure and Development Services</p> <p>Works Operations Manager</p> <p>Development Services Coordinator</p> <p>Business Services Manager</p> <p>Corporate Services Coordinator</p>	General Manager



3	R26(1)	<p>Multiple use register</p> <p>A council may establish a multiple-use register of suppliers who meet criteria established by the council in respect of the supply of particular categories of goods or services.</p>	Nil Conditions or Restrictions	<p>General Manager</p> <p>Manager Infrastructure and Development Services</p> <p>Works Operations Manager</p> <p>Development Services Coordinator</p> <p>Business Services Manager</p> <p>Corporate Services Coordinator</p>	Council
4	R27(1)	<p>Multi stage tender</p> <p>A multiple-stage tender process is a process by which suppliers are evaluated through stages against criteria determined by the council.</p>	Nil Conditions or Restrictions	<p>General Manager</p> <p>Manager Infrastructure and Development Services</p> <p>Works Operations Manager</p> <p>Development Services Coordinator</p> <p>Business Services Manager</p> <p>Corporate Services Coordinator</p>	Council
5	R46	<p><b>Plan of boundaries of towns</b></p> <p>A council is to lodge a plan with the Central Plan Register established under the Survey Co-ordination Act 1944 of the boundaries of any town or proposed town.</p>	Nil Conditions or Restrictions	General Manager	Council

## 23 - Local Government (Highways) Act 1982

### APPOINTMENTS & AUTHORITIES

Council should make the following appointments:

1. Engineer, either as an employee or approved for the purposes of the Act
2. Parking attendants, employed by Council: s.94(1). A certificate of employment should be provided: s.107(1).

Council should grant the following authorisations:

3. Authorised officer for the purposes of section 41 (an officer of the corporation authorised either generally or in a particular case to give a consent or report under this section) (unless the Corporation's engineer will prepare the necessary reports).
4. Authorised officer for the purposes of section 99 (closure of parking spaces in certain cases).

Once it has done so, those persons will have the powers and functions associated with those positions as set out in the Act.

### DELEGATIONS

S. 124 Delegation of powers, &c., by corporations

- (1) The corporation may, by special resolution, delegate to one or more officers of the corporation or to a committee consisting of members of the council the exercise or performance of such of its powers or functions under this Act (except this power of delegation) as are specified in the resolution and may, by resolution, revoke wholly or in part any such delegation.
- (2) A resolution for the purposes of subsection (1), other than a resolution revoking a delegation, shall be passed by a majority of at least two-thirds of the members of the council present at the meeting at which it is moved.
- (3) A power or function, the exercise or performance of which has been delegated under this section, may, while the delegation remains unrevoked, be exercised or performed from time to time in accordance with the terms of the delegation.
- (4) A delegation under this section may be made subject to such conditions or limitations as to the exercise or performance of any of the powers or functions delegated, or as to time or circumstance, as are specified in the resolution.
- (5) Notwithstanding any delegation under this section, the corporation may continue to exercise or perform all or any of the powers or functions delegated.
- (6) Any act or thing done by or to a delegate while acting in the exercise of a delegation under this section shall have the same force and effect as if the act or thing had been done by or to the corporation and shall be deemed to have been done by or to the corporation.
- (7) An instrument purporting to be signed by a delegate of the corporation in his capacity as such a delegate shall in all courts and before all persons acting judicially be received in evidence as if it were an instrument executed by the corporation under seal and, until the contrary is proved, shall be deemed to be an instrument signed by a delegate of the corporation under this section.

NB: this Act addresses the power to delegate in detail and therefore the general provisions of the Acts Interpretation Act 1931 will not apply. The restrictions imposed on delegations contained in s.22(3) of the Local Government Act 1993 will still apply.

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
1	S6	Power to make, widening and c., of highways by corporations.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services	Council
2	S7	Limitation on opening of highways in cities and towns by private persons.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services	Council
3	S8	Maintenance of highways opened outside cities or towns by private persons.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services	Council
4	S10	Obligations on landowners opening highways.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council
5	S11	Enforcement of obligations of landowners opening highways.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services	Council
6	S14	Closure and diversion of highways.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council
7	S15	Dealing with sites of closed highways.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council

8	S17	Definition of boundaries of highway	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council
9	S19	Power to close a local highway, forbid the use of a local highway or grant licences for the use of a closed local highway for a purpose in connection with a public function, or in order to facilitate work on land adjoining a local highway	<ul style="list-style-type: none"> <li>· In consultation with Commissioner of Police.</li> <li>· Delegation excludes Section 19(1)(c).</li> </ul>	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council
10	S20	Power to close part of a local highway for the purpose of the sale of goods or entertainment on a Saturday, Sunday or statutory holiday	In consultation with Commissioner of Police and Transport Commission.	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council
11	S21	General responsibility of corporations The Corporation of a municipality is charged with the duty of maintaining the local highways in the municipality that are maintainable by the corporation as shown on its municipal map, and, in any particular case, it shall discharge that duty in such manner as, having regard to all the circumstances of the case, it considers practicable and appropriate.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council
12	S24	Highways on boundaries of municipalities Where 2 corporations would, apart from this subsection, each be liable to repair one side of a local highway that forms or follows the common boundary of the municipal districts of those corporations, they are jointly liable to repair the whole width of that highway.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council

13	S25	General supplementary provisions as to carrying out of highway works.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council
14	S26(4)	Obtaining of materials for highway works The corporation may enter land to obtain/remove material required for highway work, provided they gave 7 days written notice.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council
15	S27	Use of adjoining lands in carrying out highway works.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council
16	S28	Shifting of apparatus, &c., in roads.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council
17	S30	Improvements, &c., of highways.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council
18	S31	Obstructions for prohibition or restriction of vehicular traffic.	S.31(1) requires approval from Transport Commission	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council

19	S32	Power to light and arrange for lighting of local highway.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council
20	S33	Lighting of private ways and courts.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council
21	S34	Drainage Works Power to make, cleanse and keep open Council drains and watercourses in and through land adjoining or near a local highway.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council
22	S35	Crossings over footpaths, table-drains, and gutters Where the corporation is of the opinion that works are necessary to be carried out in a highway under local management for the construction or repair of a vehicular crossing over a table-drain, gutter, or footpath at or opposite the entrance to land adjoining the highway, it may serve a written notice on the owner of the land requiring him to carry out those works within the time specified.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council
23	S36	Fencing of streets in towns.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council

24	S37	Alterations, &c., of entrances to highways.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council
25	S38	Removal of trees near highways Power to remove trees as required for the facilitation and good management of local highways	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council
26	S39	Obligation of occupiers to cut back vegetation, &c. Power to require an occupier of land to cut, trim or reduce the height of vegetation to reduce or remove danger from the obstruction of their view	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council
27	S40	Animal barriers on highways	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council
28	S41	Prohibition of traffic likely to cause damage to highways.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council
29	S42	Power to close a dangerous highway.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council

30	S44	Protection of bridges from excessive loading.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council
31	S45(4)	Removal and disposal of abandoned articles Where it appears to the corporation that an article has, without lawful authority, been abandoned on a highway under local management, it may remove the article from the highway.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council
32	S.45 (5) (6) (7) (8) (9) (10) (12)	Removal and disposal of abandoned articles where an article has been removed from a highway under this section, the corporation may, subject to this section, dispose of it in such manner as it thinks fit.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council
33	S46(2)	Permission to carry out various works in relation to highways Subject to any directions given by the corporation, its powers to grant a permission may be exercised on its behalf by its mayor or by some other person authorized by it for that purpose.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council



34	S46	<p>Permission to carry out various works in relation to highways</p> <p>A corporation may, in accordance with its by-laws, grant a person written permission to do any one or more of the following things:</p> <p>a) Open or break up the soil or pavement of a local highway;</p> <p>b) Make a drain leading to a local highway;</p> <p>c) Put or place a pipe or make a drain leading into a sewer or drain or other work of the corporation in or under a local highway;</p> <p>d) Make an excavation, vault or cellar in or under a local highway;</p> <p>e) Install, under a local highway, pipelines, pipe systems or other infrastructure required for the transmission, distribution or supply of natural gas or other gaseous fuels;</p> <p>f) Erect a hoarding or scaffolding for building or any other purpose in or on a local highway.</p>	Nil Conditions or Restrictions	<p>General Manager</p> <p>Manager Infrastructure and Development Services</p> <p>Works Operations Manager</p>	Council
35	S50	Management of local highways not maintainable by the corporation.	Nil Conditions or Restrictions	<p>General Manager</p> <p>Manager Infrastructure and Development Services</p> <p>Works Operations Manager</p>	Council
36	S51	Making good of back roads, lanes, &c., at frontagers' expense.	Nil Conditions or Restrictions	<p>General Manager</p> <p>Manager Infrastructure and Development Services</p> <p>Works Operations Manager</p>	Council

37	S52	Projections on to highways, &c. At such time as is agreed with the occupier of a building, or after giving at least 30 days' notice of its intention to do so, the corporation may remove or alter an obstruction to which this section applies that has been erected or placed against or in front of the building.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council
38	S53	Low-lying land near highways.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council
39	S54	Names of highways, &c.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council
40	S55	Numbering of buildings, &c.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer	Council
41	S59	Development of land in connection with highway improvements.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services	Council
42	S60(3)	Restrictive covenants for benefit of highway A corporation may, at any time, by agreement with the person against whom there is enforceable a covenant, discharge the covenant or may agree to a variation of the covenant.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services	Council

43	S62	<p>Special provisions as to acquisition for widening or other alteration</p> <p>A corporation may take land for the widening or other alteration of a highway. Land shall not be taken under this section, unless</p> <p>a) Every part of it is within 3 metres of the boundary of an existing highway and</p> <p>b) No building is situated wholly or partly on the land or within 3 metres of its boundary.</p>	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services	Council
44	S63	<p>Letting of highways not presently used</p> <p>Where the corporation has acquired highway rights over any land, it may, if the land is not presently required to be opened as a highway, let that land to the owner of any adjoining land.</p>	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services	Council
45	S66	<p>Proof that Street is subject to Part V</p> <p>The carriage-way of a street shall be deemed to have been well and sufficiently made only if it was made well enough to be an all-weather road for light or heavy traffic or both according to the standards accepted at the time of its making.</p>	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council
46	S67(2)	<p>Street works in streets not previously made up</p> <p>Where a street has not at any time been well and sufficiently made, the corporation may, in accordance with a scheme under this Part, carry out such street works as it considers necessary to put that street in a proper condition in substantial conformity with the standard requirements, recovering the cost of the works in the manner provided in this Part.</p>	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council
47	S68	<p>Scheme of street construction</p> <p>Where the corporation intends to carry out street works in a street, it shall cause to be prepared a scheme for the carrying out of those works.</p>	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council

48	S71	Notice of preparation of scheme.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council
49	S72	Objection by owners (to the scheme)	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council
50	S74	Execution of scheme Where a scheme comes into effect, the corporation may carry out, in accordance with the scheme, the street works specified in it.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council General Manager
51	S76	Payments by frontagers (under the scheme) When a scheme comes into effect, the corporation shall serve on each frontager written notice stating the sum for which he is liable under the scheme (exclusive of any additional costs and expenses charged to him under the scheme with his consent) and, subject to this section, the owner becomes liable to pay that sum to the corporation.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council
52	S77	State contribution Where a corporation has prepared a scheme for the carrying out of street works that comprise or include the construction of a carriage-way, the Minister for State Highways may, on the application of the corporation, undertake to make a contribution to the corporation of an amount equal to one-third of the cost of the construction of the carriage-way.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council

53	S79	<p>Urgent works</p> <p>If it considers it urgently necessary to do so, a corporation may, without a scheme, carry out in a street any part of the works referred to in section 67, and the cost of carrying out those works may be included in a scheme subsequently made by the corporation in respect of the remainder of those works carried out in that street, and, with any necessary modifications, this Part applies to the scheme as if the part of the works previously carried out were part of the works to be authorized by the scheme.</p>	Nil Conditions or Restrictions	<p>General Manager</p> <p>Manager Infrastructure and Development Services</p> <p>Works Operations Manager</p>	Council
54	S81	<p>Record of charges</p> <p>The corporation of a municipality shall keep such record or register that its officers can, within a reasonable time, inform a person who wishes to know the contributions that have been paid or are required to be paid by a frontager under this Part.</p>	Nil Conditions or Restrictions	<p>General Manager</p> <p>Manager Infrastructure and Development Services</p> <p>Works Operations Manager</p>	Council
55	S95	<p>Establishment of controlled parking (a parking meter or voucher machine).</p>	Nil Conditions or Restrictions	<p>General Manager</p> <p>Manager Infrastructure and Development Services</p> <p>Works Operations Manager</p>	Council
56	S96	<p>Hours of operation of controlled parking.</p>	Nil Conditions or Restrictions	<p>General Manager</p> <p>Manager Infrastructure and Development Services</p> <p>Works Operations Manager</p>	Council
57	S99	<p>Closure of parking spaces in certain cases.</p>	<p>S.99(7) allows the General Manager to issue authorisations; Council delegation also covers this.</p>	<p>General Manager</p> <p>Manager Infrastructure and Development Services</p> <p>Works Operations Manager</p>	Council

58	S100(1A)	Infringement notices (in respect of an offence relating to a vehicle) A council clerk may serve an infringement notice on a person referred to in section 94A(5A) in respect of an offence relating to a vehicle or other thing if of the opinion that the vehicle or other thing has been used in the commission of an offence under section 97 , 98 or 99.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager Works Support Officer	Council General Manager
59	S102	Removal of vehicles in certain cases from parking spaces.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council
60	S104	Permits for use of parking spaces without operation of meters or use of parking vouchers.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council
61	S109	Lighting of certain State highways: Contributions by corporations to lighting of certain State highways.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council
62	S110	Powers and duties of corporations in relation to State highways A corporation may exercise the powers conferred by section 30 in respect of a State highway in the municipality and, in relation to the exercise of those powers in respect of that highway, this Act has effect as if it were a local highway maintainable by the corporation.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council

63	S112	Liability of corporation to maintain road works carried out by the Crown.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council
64	S114	Right of private persons opening new streets to obtain contributions.	Delegation excludes S.114(8).	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council
65	S115	Retention of petrol-pumps in highways.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council
66	S116	Tramways along or across highways The Governor may authorize the laying down, construction, and maintenance of a tramway or railway along or across a local highway, subject to such terms and conditions as may be recommended by the corporation.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council
67	S119	Determination of compensation Where a corporation or other person is entitled to be paid compensation under this Act, that compensation shall, unless provision is otherwise made for its determination, be determined by agreement between the parties or, in default of agreement, by action in a court of competent jurisdiction.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services	Council

## 24 - Local Government (Meeting Procedures) Regulations 2025

### DELEGATIONS & AUTHORISATIONS

- 1 A council, in writing, may delegate with or without conditions to the general manager, any of its functions or powers under any Act: s.22 Local Government Act 1993 (subject to restrictions).
- 2 The general manager, in writing, may delegate to an employee of the council (a) any functions or powers under any Act, other than this power of delegation; and (b) any functions or powers delegated by the council which the council authorised the general manager to delegate: s.64 Local Government Act 1993.  
If an Act confers a power on a person to delegate a function or power, the person may, in accordance with the Act, delegate the function or power to (a) a  
3 person by name; or (b) the holder of a particular office or position by reference to the title of the office or position concerned, whether or not the office or position is vacant at the time of the delegation: s.23AA(1) of the Acts Interpretation Act 1931.  
If a function or power is delegated to a particular officer or the holder of a particular office or position (a) the delegation does not cease to have effect merely  
4 because the person who was the particular officer or the holder of the particular office or position when the function or power was delegated ceases to be that officer or the holder of that office or position; and (b) the function or power may be performed or exercised by the person for the time being occupying or acting in the office or position concerned: s.23AA(5) of the Acts Interpretation Act 1931.
- 5 A function or power that has been delegated may, notwithstanding the delegation, be exercised by the delegator: s.23AA(6) of the Acts Interpretation Act 1931.

### Notes on the Register (see table)

#### Note 1:

- (a) This section is to be populated by councils. It is suggested entries only be made in this column when the executed instrument of delegation is sighted by the officer making the entry. This will avoid this table being incorrectly relied on with respect to what instruments of delegation have been executed.
- (b) Councils may delegate functions and powers to a particular office or position eg - Senior Environmental Health Officer: s.23AA *Acts Interpretation Act 1931* (Tas)

#### Note 2:

This section of the table is to be populated by councils. Conditions or restrictions on the exercise of a power or function can be imposed by the person making the delegation (s.23AA *Acts Interpretation Act 1931* (Tas) & s.22 *Local Government Act 1993* (Tas)). Conditions or restrictions may also be contained in the legislation.



No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
1	R9	Notice of Meetings	Nil Conditions or Restrictions	General Manager	Council
2	R10(2) (4)	<p>Agenda</p> <p>The general manager is to –</p> <p>(a) prepare an agenda for each council meeting and council committee meeting; and</p> <p>(b) in the case of a council meeting, provide each councillor with the agenda and any associated reports and documents; and</p> <p>(c) in the case of a council committee meeting, provide each member of the committee with the agenda and associated reports and documents at least 4 days before the council committee meeting.</p> <p>The general manager is to arrange the agenda so that the items to be dealt with by a council, or council committee, as a planning authority are sequential.</p>	Nil Conditions or Restrictions	General Manager	Council
3	R11	<p>Public access to documents</p> <p>As far as practicable, the general manager is to make available for inspection by members of the public a copy of the agenda of a meeting and any associated reports and documents</p>	Nil Conditions or Restrictions	General Manager	Council

## 25 - Monetary Penalties Enforcement Act 2005

This register is maintained in compliance with section 22 (4) of the *Local Government Act 1993* (Tas).

### Notes on Delegation

- (1) A council, in writing, may delegate with or without conditions to the general manager, any of its functions or powers under any Act: s.22 *Local Government Act 1993* (Tas) (subject to restrictions).
- (2) The general manager, in writing, may delegate to an employee of the council (a) any functions or powers under any Act, other than this power of delegation; and (b) any functions or powers delegated by the council which the council authorised the general manager to delegate: s.64 *Local Government Act 1993* (Tas).

(3) If an Act confers a power on a person to delegate a function or power, the person may, in accordance with the Act, delegate the function or power to (a) a person by name; or (b) the holder of a particular office or position by reference to the title of the office or position concerned, whether or not the office or position is vacant at the time of the delegation: s.23AA(1) *Acts Interpretation Act 1931* (Tas).

(4) If a function or power is delegated to a particular officer or the holder of a particular office or position (a) the delegation does not cease to have effect merely because the person who was the particular officer or the holder of the particular office or position when the function or power was delegated ceases to be that officer or the holder of that office or position; and (b) the function or power may be performed or exercised by the person for the time being occupying or acting in the office or position concerned: s.23AA(5) *Acts Interpretation Act 1931* (Tas).

(5) A function or power that has been delegated may, notwithstanding the delegation, be exercised by the delegator: s.23AA(6) *Acts Interpretation Act 1931* (Tas).

### Notes on the Register (see table)

#### Note 1:

(a) This section is to be populated by councils. It is suggested entries only be made in this column when the executed instrument of delegation is sighted by the officer making the entry. This will avoid this table being incorrectly relied on with respect to what instruments of delegation have been executed.

(b) Councils may delegate functions and powers to a particular office or position eg - Senior Environmental Health Officer: s.23AA *Acts Interpretation Act 1931* (Tas)

#### Note 2:

This section of the table is to be populated by councils. Conditions or restrictions on the exercise of a power or function can be imposed by the person making the delegation (s.23AA *Acts Interpretation Act 1931* (Tas) & s.22 *Local Government Act 1993* (Tas)). Conditions or restrictions may also be contained in the legislation.

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
1	S17(2)	Options for dealing with infringement notice issued by fee-paying public sector body Council may approve or refuse to approve an application under S17 and must notify the alleged offender of that approval or refusal.	· Nil Conditions or Restrictions.	General Manager	Council
2	S18(1)	Referral to Director of infringement notice issued by fee-paying public sector body Council may refer an infringement notice served by it to the Director for enforcement.	· Nil Conditions or Restrictions.	General Manager Senior Finance Officer Customer Service Officer Technical Officer Development Services	Council
3	S23	Withdrawal of infringement notice	· Nil Conditions or Restrictions.	General Manager	Council
4	S28(3)-(4)	Application to fee-paying public sector body for variation of payment conditions Council must take the applicant's representations into account before determining the period within which the amount is to be paid. If the applicant fails to comply, it can be referred to the Director for enforcement.	· Nil Conditions or Restrictions.	General Manager	Council
5	S39(1)	Hearing of offence by court – commencement of proceedings If, an alleged offender elects to have any of the offences set out in an infringement notice heard and determined by a court, within the required time, Council may commence proceedings for all of the offences in that notice.	· Nil Conditions or Restrictions.	General Manager	Council
6	S40(3)	Application to court to set aside conviction Council may consent to an application to set aside the conviction.	· Nil Conditions or Restrictions.	General Manager	Council

## 26 - Neighbourhood Disputes About Plants Act 2017

This register is maintained in compliance with section 22 (4) of the *Local Government Act 1993* (Tas).

### Notes on Delegation

- (1) A council, in writing, may delegate with or without conditions to the general manager, any of its functions or powers under any Act: s.22 *Local Government Act 1993* (Tas) (subject to restrictions).
- (2) The general manager, in writing, may delegate to an employee of the council (a) any functions or powers under any Act, other than this power of delegation; and (b) any functions or powers delegated by the council which the council authorised the general manager to delegate: s.64 *Local Government Act 1993* (Tas).
- (3) If an Act confers a power on a person to delegate a function or power, the person may, in accordance with the Act, delegate the function or power to (a) a person by name; or (b) the holder of a particular office or position by reference to the title of the office or position concerned, whether or not the office or position is vacant at the time of the delegation: s.23AA(1) *Acts Interpretation Act 1931* (Tas).
- (4) If a function or power is delegated to a particular officer or the holder of a particular office or position (a) the delegation does not cease to have effect merely because the person who was the particular officer or the holder of the particular office or position when the function or power was delegated ceases to be that officer or the holder of that office or position; and (b) the function or power may be performed or exercised by the person for the time being occupying or acting in the office or position concerned: s.23AA(5) *Acts Interpretation Act 1931* (Tas).
- (5) A function or power that has been delegated may, notwithstanding the delegation, be exercised by the delegator: s.23AA(6) *Acts Interpretation Act 1931* (Tas).

### Notes on the Register (see table)

#### Note 1:

- (a) This section is to be populated by councils. It is suggested entries only be made in this column when the executed instrument of delegation is sighted by the officer making the entry. This will avoid this table being incorrectly relied on with respect to what instruments of delegation have been executed.
- (b) Councils may delegate functions and powers to a particular office or position eg - Senior Environmental Health Officer: s.23AA *Acts Interpretation Act 1931* (Tas)

#### Note 2:

This section of the table is to be populated by councils. Conditions or restrictions on the exercise of a power or function can be imposed by the person making the delegation (s.23AA *Acts Interpretation Act 1931* (Tas) & s.22 *Local Government Act 1993* (Tas)). Conditions or restrictions may also be contained in the legislation.

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
1	S27	Appear on behalf of the Council in relation to applications to TASCAT under Part 4	· Nil Conditions or Restrictions.	General Manager	Council

## 27 - Occupational Licencing Act 2005

This register is maintained in compliance with section 22 (4) of the *Local Government Act 1993* (Tas).

### Notes on Delegation

(1) A council, in writing, may delegate with or without conditions to the general manager, any of its functions or powers under any Act: s.22 *Local Government Act 1993* (Tas) (subject to restrictions).

(2) The general manager, in writing, may delegate to an employee of the council (a) any functions or powers under any Act, other than this power of delegation; and (b) any functions or powers delegated by the council which the council authorised the general manager to delegate: s.64 *Local Government Act 1993* (Tas).

(3) If an Act confers a power on a person to delegate a function or power, the person may, in accordance with the Act, delegate the function or power to (a) a person by name; or (b) the holder of a particular office or position by reference to the title of the office or position concerned, whether or not the office or position is vacant at the time of the delegation: s.23AA(1) *Acts Interpretation Act 1931* (Tas).

(4) If a function or power is delegated to a particular officer or the holder of a particular office or position (a) the delegation does not cease to have effect merely because the person who was the particular officer or the holder of the particular office or position when the function or power was delegated ceases to be that officer or the holder of that office or position; and (b) the function or power may be performed or exercised by the person for the time being occupying or acting in the office or position concerned: s.23AA(5) *Acts Interpretation Act 1931* (Tas).

(5) A function or power that has been delegated may, notwithstanding the delegation, be exercised by the delegator: s.23AA(6) *Acts Interpretation Act 1931* (Tas).

### Notes on the Register (see table)

#### Note 1:

(a) This section is to be populated by councils. It is suggested entries only be made in this column when the executed instrument of delegation is sighted by the officer making the entry. This will avoid this table being incorrectly relied on with respect to what instruments of delegation have been executed.

(b) Councils may delegate functions and powers to a particular office or position eg - Senior Environmental Health Officer: s.23AA *Acts Interpretation Act 1931* (Tas)

#### Note 2:

This section of the table is to be populated by councils. Conditions or restrictions on the exercise of a power or function can be imposed by the person making the delegation (s.23AA *Acts Interpretation Act 1931* (Tas) & s.22 *Local Government Act 1993* (Tas)). Conditions or restrictions may also be contained in the legislation.

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
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1	S37C	Certain Organisations May Apply for a Building Services Licence - a Council may apply for a building services licence and under s 37C(1)(c) and nominate a person to be the licenced person of the licenced entity s37C(2)(c).	· Nil Conditions or Restrictions.	General Manager	Council
2	S37D	Continuation of building services licence held by certain organisations - the Council, as a Licenced Entity, must notify the Administration in writing as soon as practicable after becoming aware that a "relevant event" (as defined in s 37(C)(5) has occurred or is to occur in respect of the Licenced Entity.	· Nil Conditions or Restrictions.	General Manager	Council

## 28 - Places Names Act 2020

This register is maintained in compliance with section 22 (4) of the *Local Government Act 1993* (Tas).

### Notes on Delegation

(1) A council, in writing, may delegate with or without conditions to the general manager, any of its functions or powers under any Act: s.22 *Local Government Act 1993* (Tas) (subject to restrictions).

(2) The general manager, in writing, may delegate to an employee of the council (a) any functions or powers under any Act, other than this power of delegation; and (b) any functions or powers delegated by the council which the council authorised the general manager to delegate: s.64 *Local Government Act 1993* (Tas).

(3) If an Act confers a power on a person to delegate a function or power, the person may, in accordance with the Act, delegate the function or power to (a) a person by name; or (b) the holder of a particular office or position by reference to the title of the office or position concerned, whether or not the office or position is vacant at the time of the delegation: s.23AA(1) *Acts Interpretation Act 1931* (Tas).

(4) If a function or power is delegated to a particular officer or the holder of a particular office or position (a) the delegation does not cease to have effect merely because the person who was the particular officer or the holder of the particular office or position when the function or power was delegated ceases to be that officer or the holder of that office or position; and (b) the function or power may be performed or exercised by the person for the time being occupying or acting in the office or position concerned: s.23AA(5) *Acts Interpretation Act 1931* (Tas).

(5) A function or power that has been delegated may, notwithstanding the delegation, be exercised by the delegator: s.23AA(6) *Acts Interpretation Act 1931* (Tas).

### Notes on the Register (see table)

#### Note 1:

(a) This section is to be populated by councils. It is suggested entries only be made in this column when the executed instrument of delegation is sighted by the officer making the entry. This will avoid this table being incorrectly relied on with respect to what instruments of delegation have been executed.

(b) Councils may delegate functions and powers to a particular office or position eg - Senior Environmental Health Officer: s.23AA *Acts Interpretation Act 1931* (Tas)

#### Note 2:

This section of the table is to be populated by councils. Conditions or restrictions on the exercise of a power or function can be imposed by the person making the delegation (s.23AA *Acts Interpretation Act 1931* (Tas) & s.22 *Local Government Act 1993* (Tas)). Conditions or restrictions may also be contained in the legislation.

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
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1	S11(2)	Naming of roads, streets, &c. As a responsible authority the council has a responsibility to name, alter or revoke a name of a place.	Nil Conditions or Restrictions.	General Manager Manager Infrastructure and Development Services Development Services Coordinator	Council
2	S11(3)	Naming of roads, streets, &c. The responsible authority for a place referred to in section 4(1)(c) must ensure that any naming action, performed in respect of the place, complies with – a) the relevant provisions of the guidelines; and b) this Act and any other applicable Act; and c) the relevant procedures of the responsible authority.	Nil Conditions or Restrictions.	General Manager Manager Infrastructure and Development Services Development Services Coordinator	Council
3	S11(4)	Naming of roads, streets, &c. As soon as practicable after performing a naming action in respect of a place, the responsible authority for the place is to submit details of the action to the Registrar for recording in the register.	Nil Conditions or Restrictions.	General Manager	Council



## 29 - Public Health Act 1997

### APPOINTMENTS

- \* The following appointments must be made to particular persons (not to a the holder of a particular office or position by reference to the title of the office or position concerned) and once those appointments are made, they will have the corresponding powers and functions pursuant to the Public Health Act:

Medical officers of health - persons who are medical practitioners, appointed by the general manager or the Director pursuant to s.11

Environmental health officers - persons with approved qualifications, appointed by the general manager or the Director pursuant to s.11

- \* Once appointed, the medical officers of health and environmental health officers will also have the powers and functions corresponding to the following positions:

Authorised officer means ... (b) a medical officer of health or (c) an environmental health officer (s.3)

Health officer means (a) an environmental health officer or (b) a medical officer of health (s.3)

Nominated officer means ...(b) a health officer;... (s.3)

- \* There is no requirement for a certificate to be issued to a medical officer of health or an environmental health officer. However, note s.31 which requires council to issue a certificate authority to an authorised officer or a nominated officer authorised under section 30A.

### DELEGATIONS & AUTHORISATIONS

- \* A council, in writing, may delegate with or without conditions to the general manager, any of its functions or powers under any Act: s.22 Local Government Act 1993 (subject to restrictions).
- \* The general manager, in writing, may delegate to an employee of the council (a) any functions or powers under any Act, other than this power of delegation; and (b) any functions or powers delegated by the council which the council authorised the general manager to delegate: s.64 Local Government Act 1993.
- \* If an Act confers a power on a person to delegate a function or power, the person may, in accordance with the Act, delegate the function or power to (a) a person by name; or (b) the holder of a particular office or position by reference to the title of the office or position concerned, whether or not the office or position is vacant at the time of the delegation: s.23AA(1) of the Acts Interpretation Act 1931.
- \* If a function or power is delegated to a particular officer or the holder of a particular office or position (a) the delegation does not cease to have effect merely because the person who was the particular officer or the holder of the particular office or position when the function or power was delegated ceases to be that officer or the holder of that office or position; and (b) the function or power may be performed or exercised by the person for the time being occupying or acting in the office or position concerned: s.23AA(5) of the Acts Interpretation Act 1931.
- \* A function or power that has been delegated may, notwithstanding the delegation, be exercised by the delegator: s.23AA(6) of the Acts Interpretation Act 1931.

Notes on the Register (see table)

Note 1:

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(b) Councils may delegate functions and powers to a particular office or position eg - Senior Environmental Health Officer: s.23AA *Acts Interpretation Act 1931* (Tas)

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No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
1	S11(1)(2)	Appointment of officers	Nil Conditions or Restrictions	General Manager	Council
2	S32(1)(2)	Production of Records	Nil Conditions or Restrictions	General Manager Development Services Coordinator Environmental Health Officer	Council General Manager
3	S33(a)(b)	Production of things A council or an authorized officer may require a person to produce for inspection anything in the person's possession if – a) The council or the officer reasonably believes that it may disclose evidence of the commission of an offence under this Act; or b) It is otherwise necessary for the purposes of this Act.	Nil Conditions or Restrictions	General Manager	Council General Manager
4	S34(a)(b)	Production of licence A council or an authorized officer may – a) Require a person to produce for inspection any licence the person holds or should hold; and b) Examine, remove and take photographs or copies of, or extracts or notes from, any licence.	Nil Conditions or Restrictions	General Manager	Council General Manager

5	S35	<p>Photographs, sketches, measurements and recordings</p> <p>For the purposes of this Act, a council or an authorised officer may:</p> <ul style="list-style-type: none"> <li>a) take any photograph, film or video recording; and</li> <li>b) take any copy of, or extract from, any record; and</li> <li>c) take any measurements; and</li> <li>d) make any sketches or drawing; and</li> <li>e) make any other recording by any other means.</li> </ul>	Nil Conditions or Restrictions	General Manager	Council General Manager
6	S36(1)(2)	<p>Information requirements</p> <p>A council or an authorized officer may require a person to –</p> <ul style="list-style-type: none"> <li>a) Give his or her full name and residential address;</li> <li>b) Give details of any licence, permit or exemption under this Act;</li> <li>c) Provide any information relating to public health reasonably required for the purposes of this Act.</li> </ul> <p>A council or an authorized officer may require any person to give information about that person's or another person's activities in respect of any matter under this Act.</p>	Nil Conditions or Restrictions	General Manager	Council General Manager
7	S57	<p>Council immunisation programs</p> <p>A council must develop and implement an approved program for immunisation in its municipal area.</p>	Nil Conditions or Restrictions	General Manager Development Services Coordinator Environmental Health Officer	Council General Manager
8	S77(1)(3)	Grant or refusal of licence for Place of Assembly.	Nil Conditions or Restrictions	General Manager Development Services Coordinator Environmental Health Officer	Council General Manager

9	S78	Issue of licence for Place of Assembly.	Nil Conditions or Restrictions	General Manager Development Services Coordinator Environmental Health Officer	Council General Manager
10	S81	Renewal of licence (for a place of assembly) A council may grant the application subject to any conditions; or refuse to grant the application.	Nil Conditions or Restrictions	General Manager Development Services Coordinator Environmental Health Officer	Council General Manager
11	S82	Variation of licence (for a place of assembly) A council, on its own volition or on application, may vary a place of assembly licence by omitting, adding, substituting or amending any condition of the licence.	Nil Conditions or Restrictions	General Manager Development Services Coordinator Environmental Health Officer	Council General Manager
12	S83	Cancellation of licence (for a place of assembly) A council may cancel a place of assembly licence	Nil Conditions or Restrictions	General Manager Development Services Coordinator Environmental Health Officer	Council General Manager
13	S84(2)	Overcrowding A council, an authorized officer, a person authorized by the Commissioner for Licensing or a person authorized by the State Fire Commissioner may – a) Cause the doors of a place of assembly to be closed; b) Evacuate the place of assembly; or c) Cause any event occurring at that place of assembly to be cancelled in circumstances referred to in paragraph (b).	Nil Conditions or Restrictions	General Manager Development Services Coordinator Environmental Health Officer	Council General Manager
14	S87	Closure order of Unhealthy premises.	Nil Conditions or Restrictions	General Manager Development Services Coordinator Environmental Health Officer	Council General Manager

15	S88	Service of closure order of Unhealthy premises.	Nil Conditions or Restrictions	General Manager Development Services Coordinator Environmental Health Officer	Council General Manager
16	S89	Revocation of closure order of Unhealthy premises.	Nil Conditions or Restrictions	General Manager Development Services Coordinator Environmental Health Officer	Council General Manager
17	S92 (1) (4) (6)	<p>Rectification notice</p> <p>A council, on the advice of an environmental health officer or building surveyor, is to serve a rectification notice in an approved form.</p> <p>If a person fails to comply with a notice, the council may cause any necessary work to be carried out at that person's expense.</p> <p>A council, upon the certificate of an environmental health officer or building surveyor that the condition of the premises is no longer, or is not likely to become, offensive, injurious or prejudicial to health, is to revoke a rectification notice.</p>	Nil Conditions or Restrictions	General Manager Development Services Coordinator Environmental Health Officer Building Surveyor	Council General Manager
18	S97	Grant or refusal of registration of premises.	Nil Conditions or Restrictions	General Manager Development Services Coordinator Environmental Health Officer	Council General Manager
19	S98	Issue of certificate of registration of premises.	Nil Conditions or Restrictions	General Manager Development Services Coordinator Environmental Health Officer	Council General Manager
20	S101	Renewal of registration of premises.	Nil Conditions or Restrictions	General Manager Development Services Coordinator Environmental Health Officer	Council General Manager

21	S102	Variation of registration of premises.	Nil Conditions or Restrictions	General Manager Development Services Coordinator Environmental Health Officer	Council General Manager
22	S103	Cancellation of registration of premises.	Nil Conditions or Restrictions	General Manager Development Services Coordinator Environmental Health Officer	Council General Manager
23	S106	Grant or refusal of licence (to carry out any Public health risk activity).	Nil Conditions or Restrictions	General Manager Development Services Coordinator Environmental Health Officer	Council General Manager
24	S107	Issue of licence (to carry out any Public health risk activity).	Nil Conditions or Restrictions	General Manager Development Services Coordinator Environmental Health Officer	Council General Manager
25	S110	Renewal of licence (to carry out any Public health risk activity).	Nil Conditions or Restrictions	General Manager Development Services Coordinator Environmental Health Officer	Council General Manager
26	S111	Variation of licence (to carry out any Public health risk activity).	Nil Conditions or Restrictions	General Manager Development Services Coordinator Environmental Health Officer	Council General Manager
27	S112	Cancellation of licence (to carry out any Public health risk activity).	Nil Conditions or Restrictions	General Manager Development Services Coordinator Environmental Health Officer	Council General Manager

28	S115	Grant or refusal of registration of regulated system.	Nil Conditions or Restrictions	General Manager Development Services Coordinator Environmental Health Officer	Council General Manager
29	S116	Issue of certificate of registration (of a regulated system).	Nil Conditions or Restrictions	General Manager Development Services Coordinator Environmental Health Officer	Council General Manager
30	S119(1)(3)	Notice to comply with direction.	Nil Conditions or Restrictions	General Manager Development Services Coordinator Environmental Health Officer	Council General Manager
31	S121	Renewal of registration (of any regulated system).	Nil Conditions or Restrictions	General Manager Development Services Coordinator Environmental Health Officer	Council General Manager
32	S122	Variation of registration (of any regulated system).	Nil Conditions or Restrictions	General Manager Development Services Coordinator Environmental Health Officer	Council General Manager
33	S123	Cancellation of registration (of any regulated system).	Nil Conditions or Restrictions	General Manager Development Services Coordinator Environmental Health Officer	Council General Manager
34	S128	Notification of quality of water.	Nil Conditions or Restrictions	General Manager Development Services Coordinator Environmental Health Officer	Council General Manager

35	S129(1)	Orders relating to water quality.	Nil Conditions or Restrictions	General Manager Development Services Coordinator Environmental Health Officer	Council General Manager
36	S130(1)(3)	Monitoring and review (of the quality of water within the municipal area).	Nil Conditions or Restrictions	General Manager Development Services Coordinator Environmental Health Officer	Council General Manager
37	S131	Samples An authorized officer or a council may take a sample from any water. Any sample taken under this section is to be analysed and tested in accordance with the requirements of the Director.	Nil Conditions or Restrictions	General Manager Development Services Coordinator Environmental Health Officer	Council General Manager
38	S135	Grant or refusal of registration (as a supplier of water).	Nil Conditions or Restrictions	General Manager Development Services Coordinator Environmental Health Officer	Council General Manager
39	S136	Issue of certificate of registration (as a supplier of water).	Nil Conditions or Restrictions	General Manager Development Services Coordinator Environmental Health Officer	Council General Manager
40	S136AA	Renewal of registration (as a supplier of water).	Nil Conditions or Restrictions	General Manager Development Services Coordinator Environmental Health Officer	Council General Manager
41	S136B	Variation of registration (as a supplier of water).	Nil Conditions or Restrictions	General Manager Development Services Coordinator Environmental Health Officer	Council General Manager



42	S136C	Cancellation of registration (as a supplier of water).	Nil Conditions or Restrictions	General Manager Development Services Coordinator Environmental Health Officer	Council General Manager
43	S136H	Issue of certificate of registration (as a water carrier).	Nil Conditions or Restrictions	General Manager Development Services Coordinator Environmental Health Officer	Council General Manager
44	S136I	Renewal of registration (as a water carrier).	Nil Conditions or Restrictions	General Manager Development Services Coordinator Environmental Health Officer	Council General Manager
45	S136K	Variation of registration (as a water carrier).	Nil Conditions or Restrictions	General Manager Development Services Coordinator Environmental Health Officer	Council General Manager
46	S136L	Cancellation of registration (as a water carrier).	Nil Conditions or Restrictions	General Manager Development Services Coordinator Environmental Health Officer	Council General Manager
47	S144	Registers kept by Councils A council is to keep – a) A register of registered regulated systems; and b) A register of registered users and suppliers of water from private water sources; and c) A register of registered premises used for public health risk activities.	Nil Conditions or Restrictions	General Manager Development Services Coordinator Environmental Health Officer	Council General Manager

48	S148(1)	Requirement for information The Director, any council or an authorized officer may require a person to provide information relating to public health which is reasonably needed for the purposes of this Act.	Nil Conditions or Restrictions	General Manager Development Services Coordinator Environmental Health Officer	Council General Manager
49	S152(1)	Costs incurred in exercising power Council may exercise a power or perform a function under this Act that a person or public authority fails to do - at the expense of that person or body.	Nil Conditions or Restrictions	General Manager	Council
50	S158(1)	Proceedings Proceedings for an offence under this Act may only be instituted by – a) The Minister or a person authorized by the Minister; or b) An authorized officer; or c) A nominated officer in relation to proceedings for an offence under Part 4; or d) A police officer; or e) A council.	Nil Conditions or Restrictions	General Manager	Council
51	S169(1)	Infringement notices An authorized officer or a council may serve an infringement notice on a person if of the opinion that the person has committed a prescribed offence.	Nil Conditions or Restrictions	General Manager Development Services Coordinator Environmental Health Officer	Council General Manager
52	S190(1)(3)(4)	Sale or disposal of forfeited things A council may sell, destroy or otherwise dispose of any thing forfeited if an application is not made to have the item back or the application is refused. The council can grant or refuse an application. If the application is granted, council is to sell the forfeited thing to the applicant for an amount equal to its estimated market value.	Nil Conditions or Restrictions	General Manager Development Services Coordinator Environmental Health Officer Business Services Manager Corporate Services Coordinator	Council General Manager

53	S191(3)	Return of and access to seized things Council may grant an application or refuse it under this section.	Nil Conditions or Restrictions	General Manager Development Services Coordinator Environmental Health Officer Business Services Manager Corporate Services Coordinator	Council General Manager
54	S192(1)	Sale or disposal of seized things Council may sell or otherwise dispose of anything seized under this Act if there is no appeal made under S160, the seizure is upheld or the thing poses an immediate health threat.	Nil Conditions or Restrictions	General Manager Development Services Coordinator Environmental Health Officer Business Services Manager Corporate Services Coordinator	Council General Manager

## 30 - Public Interest Disclosure Act 2002

This register is maintained in compliance with section 22 (4) of the *Local Government Act 1993* (Tas).

### Notes on Delegation

- (1) A council, in writing, may delegate with or without conditions to the general manager, any of its functions or powers under any Act: s.22 *Local Government Act 1993* (Tas) (subject to restrictions).
- (2) The general manager, in writing, may delegate to an employee of the council (a) any functions or powers under any Act, other than this power of delegation; and (b) any functions or powers delegated by the council which the council authorised the general manager to delegate: s.64 *Local Government Act 1993* (Tas).
- (3) If an Act confers a power on a person to delegate a function or power, the person may, in accordance with the Act, delegate the function or power to (a) a person by name; or (b) the holder of a particular office or position by reference to the title of the office or position concerned, whether or not the office or position is vacant at the time of the delegation: s.23AA(1) *Acts Interpretation Act 1931* (Tas).
- (4) If a function or power is delegated to a particular officer or the holder of a particular office or position (a) the delegation does not cease to have effect merely because the person who was the particular officer or the holder of the particular office or position when the function or power was delegated ceases to be that officer or the holder of that office or position; and (b) the function or power may be performed or exercised by the person for the time being occupying or acting in the office or position concerned: s.23AA(5) *Acts Interpretation Act 1931* (Tas).
- (5) A function or power that has been delegated may, notwithstanding the delegation, be exercised by the delegator: s.23AA(6) *Acts Interpretation Act 1931* (Tas).

### Notes on the Register (see table)

#### Note 1:

- (a) This section is to be populated by councils. It is suggested entries only be made in this column when the executed instrument of delegation is sighted by the officer making the entry. This will avoid this table being incorrectly relied on with respect to what instruments of delegation have been executed.
- (b) Councils may delegate functions and powers to a particular office or position eg - Senior Environmental Health Officer: s.23AA *Acts Interpretation Act 1931* (Tas)

#### Note 2:

This section of the table is to be populated by councils. Conditions or restrictions on the exercise of a power or function can be imposed by the person making the delegation (s.23AA *Acts Interpretation Act 1931* (Tas) & s.22 *Local Government Act 1993* (Tas)). Conditions or restrictions may also be contained in the legislation.

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
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1	S29B	Referral of disclosure to Integrity Commission Where a public body believes a disclosure relates to misconduct defined in the Integrity Commission Act 2009, the public body may refer the disclosure to the Integrity Commission.	Nil Conditions or Restrictions	General Manager Business Services Manager Corporate Services Coordinator	Council General Manager
2	S29D(1)	Notice of referral If public body refers a disclosure to the Integrity Commission, they must notify the person who made that disclosure of the referral.	Nil Conditions or Restrictions	General Manager Business Services Manager Corporate Services Coordinator	Council General Manager
3	S33(1)	Determination by public body of disclosure as to public interest disclosure Public body to determine whether disclosure is a public interest disclosure within 45 days.	Nil Conditions or Restrictions	General Manager Business Services Manager Corporate Services Coordinator	Council General Manager
4	S34(1)	Procedure where public body determines disclosure to be public interest disclosure Notifications where disclosure is determined a public interest disclosure.	Nil Conditions or Restrictions	General Manager Business Services Manager Corporate Services Coordinator	Council General Manager
5	S35(1)	Procedure where public body determines disclosure not to be public interest disclosure Notifications where disclosure is deemed not to be public interest disclosure.	Nil Conditions or Restrictions	General Manager Business Services Manager Corporate Services Coordinator	Council General Manager
6	S62B	Delegation by Principal officer The principal officer may by instrument in writing delegate to a public interest disclosure officer specified in the instrument the performance or exercise of such of his or her functions or powers under this Act (other than this power of delegation) as are specified in the instrument, and may, by instrument in writing, revoke wholly or in part any such delegation.	Nil Conditions or Restrictions	General Manager Business Services Manager Corporate Services Coordinator	Council General Manager

7	S64	Matter that do not have to be investigated A public body may decide not to investigate a disclosure.	Nil Conditions or Restrictions	General Manager Business Services Manager Corporate Services Coordinator	Council General Manager
8	S65(1)	Decisions by public body not to investigate Notification of decision not to investigate.	Nil Conditions or Restrictions	General Manager Business Services Manager Corporate Services Coordinator	Council General Manager
9	S68	Referral to Ombudsman by public body A public body may refer the investigation of a disclosed matter to the Ombudsman if the public body considers that its own investigation is being obstructed or that it is otherwise not within the capacity of the public body to complete the investigation.	Nil Conditions or Restrictions	General Manager Business Services Manager Corporate Services Coordinator	Council General Manager
10	S70	Provision of information to Ombudsman Public body must give the Ombudsman in writing any information it has in respect to a disclosed matter.	Nil Conditions or Restrictions	General Manager Business Services Manager Corporate Services Coordinator	Council General Manager
11	S72(1)	Notice of referral Notice to be given where public body refers an investigation to the Ombudsman.	Nil Conditions or Restrictions	General Manager Business Services Manager Corporate Services Coordinator	Council General Manager
12	S74	Information about progress of investigation Public body must at the request of the person who made the disclosure or the Ombudsman, give all reasonable information about the investigation with 28 days.	Nil Conditions or Restrictions	General Manager Business Services Manager Corporate Services Coordinator	Council General Manager
13	S76(1)	Report on investigation Public body must notify the Ombudsman and the relevant person on completing an investigation of a disclosed matter.	Nil Conditions or Restrictions	General Manager Business Services Manager Corporate Services Coordinator	Council General Manager

14	S77(1)	Report to person making disclosure Public body must inform the person who made the disclosure of the findings.	Nil Conditions or Restrictions	General Manager Business Services Manager Corporate Services Coordinator	Council General Manager
15	S.77A(2)	Investigations to be completed within 6 months A public body may apply to the Ombudsman for an extension of up to 6 months in which to complete the investigation.	Nil Conditions or Restrictions	General Manager Business Services Manager Corporate Services Coordinator	Council General Manager
16	S.77A(4)	Investigations to be completed within 6 months If investigation is not complete within time specified in 77A(1), public body must refer the disclosure to the Ombudsman.	Nil Conditions or Restrictions	General Manager Business Services Manager Corporate Services Coordinator	Council General Manager

### DECISIONS

S.21 Decision to be made on behalf of public authority by authorised person

- (1) A decision in respect of an application for information made to a public authority is to be made by -
- (a) the responsible Minister; or
  - (b) the principal officer of the public authority; or
  - (c) a delegated officer.

### S.5 Interpretation

Delegated Officer means a person specified in an instrument of delegation in accordance with section 24.

Principal Officer means ... (c) in relation to a council, the general manager of that council

Public authority means ... (c) a council...or ... (h) a council-owned company; ...

Council owned company means a company incorporated under the Corporations Act that is controlled by one or more councils or another company that is so controlled

### DELEGATIONS AND AUTHORISATIONS

A council, in writing, may delegate with or without conditions to the general manager, any of its functions or powers under any Act: s.22 Local Government Act 1993

S.24 Principal officer or Minister may delegate his or her functions

(1) The principal officer of a public authority or a Minister may by instrument in writing delegate to a person specified in the instrument the performance or exercise of such of his or her functions or powers under this Act (other than this power of delegation) as are specified in the instrument, and may, by instrument in writing, revoke wholly or in part any such delegation.

(2) A delegation may be for a period not exceeding 3 years.

(3) The principal officer of a public authority or a Minister must not delegate to a person the performance or exercise of his or her functions or powers under this Act unless the principal officer or Minister is satisfied that the person has the skills and knowledge necessary to perform or exercise those functions or powers.

(4) Notwithstanding any delegation under this section, the principal officer of a public authority or a Minister may continue to perform or exercise all or any of the functions or powers delegated.

(5) Any act or thing done by or to a delegate while acting in the exercise of a delegation under this section has the same force and effect as if the act or thing had been done by or to the principal officer of a public authority or a Minister and is taken to have been done by or to the principal officer or Minister.

NB: this Act addresses the power to delegate in detail and therefore the general provisions of the Acts Interpretation Act 1931 will not apply.

### APPOINTMENT



S23 The principal officer of a public authority may appoint an officer to assist him or her with the functions specified in s.23(1).  
(2)

Notes on the Register (see table)

Note 1:

- (a) This section is to be populated by councils. It is suggested entries only be made in this column when the executed instrument of delegation is sighted by the officer making the entry. This will avoid this table being incorrectly relied on with respect to what instruments of delegation have been executed.
- (b) Councils may delegate functions and powers to a particular office or position eg - Senior Environmental Health Officer: s.23AA *Acts Interpretation Act 1931* (Tas)

Note 2:

This section of the table is to be populated by councils. Conditions or restrictions on the exercise of a power or function can be imposed by the person making the delegation (s.23AA *Acts Interpretation Act 1931* (Tas) & s.22 *Local Government Act 1993* (Tas)). Conditions or restrictions may also be contained in the legislation.

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
1	S10	Electronic information If information is stored in an electronic form, a Minister or public authority may refuse an application if – a) The information cannot be produced using the normal computer hardware and software and technical expertise of the public authority; and b) Producing it would substantially and unreasonably divert the resources of the public authority from its usual operations.	A delegation may be for a period not exceeding 3 years.	General Manager	Council
2	S12	Information to be provided apart from Act This Act does not prevent and is not intended to discourage a public authority or a Minister from publishing or providing information, otherwise than as required by this Act.	A delegation may be for a period not exceeding 3 years.	General Manager Executive Officer Information Officer Corporate Services Coordinator	Council General Manager

3	S13(5)(6) (7)(8)	Application for assessed disclosure of information Provision of information to applicant for assessed disclosures of information. Negotiation with the applicant to redirect the application. If requested to do so or if it is appropriate, the public authority must make available general information.	A delegation may be for a period not exceeding 3 years.	General Manager	Council
4	S14(1)	Transfer of applications (for assessed disclosure of information) Transfer an application for disclosure of information to the more appropriate public authority along with any information they may need.	A delegation may be for a period not exceeding 3 years.	General Manager	Council
5	S15	Time within which applications for assessed disclosure of information are to be decided.	A delegation may be for a period not exceeding 3 years.	General Manager	Council
6	S16	Charges for information All applications for assessed disclosure of information must be accompanied by an application fee of 25 fee units. The application fee may be waived if – a) The applicant is impecunious; or b) The applicant is a Member of Parliament acting in connection with his or her official duty; or ba) The applicant is a journalist acting in connection with their professional duties; or c) The applicant is able to show that he or she intends to use the information for a purpose that is of general public interest or benefit.	A delegation may be for a period not exceeding 3 years.	General Manager	Council
7	S17	Deferment of provision of information.	A delegation may be for a period not exceeding 3 years.	General Manager	Council
8	S18	Provision of information.	A delegation may be for a period not exceeding 3 years.	General Manager	Council
9	S19	Requests may be refused if resources unreasonably diverted.	A delegation may be for a period not exceeding 3 years.	General Manager	Council
10	S20	Repeat or vexatious applications may be refused.	A delegation may be for a period not exceeding 3 years.	General Manager	Council

11	S21(1)	Decision to be made on behalf of public authority by authorised person A decision in respect of an application for information made to a public authority is to be made by – a) The responsible Minister; or b) The principal officer of the public authority or c) A delegated officer.	A delegation may be for a period not exceeding 3 years.	General Manager	Council
12	S21(2)	Decision to be made on behalf of public authority by authorised person A person who makes a decision in accordance with this Act is to act impartially in making that decision.	A delegation may be for a period not exceeding 3 years.	General Manager	Council
13	S22	Reasons to be given (when a decision in relation to an application for information is made).	A delegation may be for a period not exceeding 3 years.	General Manager	Council
14	S23	Other responsibilities of principal officer.	A delegation may be for a period not exceeding 3 years.	General Manager Executive Officer Information Officer Corporate Services Coordinator	Council General Manager
15	S33	Public Interest Test In this Division, information is exempt information if the principal officer of the public authority or Minister considers, after taking into account all relevant matters, that it is contrary to the public interest to disclose the information.	A delegation may be for a period not exceeding 3 years.	General Manager Executive Officer Information Officer Corporate Services Coordinator	Council General Manager

16	S36(2)	<p>Personal information of person</p> <p>If</p> <p>a) An application is made for information under this Act; and</p> <p>b) The information was provided to a public authority or Minister by a third party; and</p> <p>c) The principal officer or Minister decides that disclosure of the information concerned may be reasonably expected to be of concern to the third party – the principal officer or Minister is to, by notice in writing to the third party –</p> <p>d) Notify that person that the public authority or Minister has received an application for the information; and</p> <p>e) State the nature of the information that has been applied for; and</p> <p>f) Request that, within 15 working days from the date of the notice, the person provide his or her view as to whether the information should be provided.</p>	A delegation may be for a period not exceeding 3 years.	<p>General Manager</p> <p>Executive Officer</p> <p>Information Officer</p> <p>Corporate Services Coordinator</p>	<p>Council</p> <p>General Manager</p>
17	S36(3)(5)	<p>Personal information of person</p> <p>If a public authority or Minister, after receipt of a person's view, decides to provide the information, the public authority or Minister must, by notice in writing given to that person, notify that person of the decision. See subsection 5 for caveats.</p>	A delegation may be for a period not exceeding 3 years.	<p>General Manager</p> <p>Executive Officer</p> <p>Information Officer</p> <p>Corporate Services Coordinator</p>	<p>Council</p> <p>General Manager</p>

18	S37(2)	<p>Information relating to business affairs of a third party If –</p> <p>a) An application is made for information under this Act; and</p> <p>b) The information was provided to a public authority or Minister by a third party; and</p> <p>c) The principal officer or Minister decides that disclosure of the information concerned may be reasonably expected to be of substantial concern to the third party – the principal officer or Minister must, before deciding whether the disclosure of the information under this Act would be likely to expose the third party that provided the information to substantial harm to the third party's competitive position, by notice in writing given to the third party –</p> <p>d) Notify the third party that the public authority or Minister has received an application for the information; and</p> <p>e) State the nature of the information applied for; and</p> <p>f) Request that, within 15 working days from the date of the notice, the third party provide the third party's view as to whether the information should be provided.</p>	A delegation may be for a period not exceeding 3 years.	<p>General Manager</p> <p>Executive Officer</p> <p>Information Officer</p> <p>Corporate Services Coordinator</p>	<p>Council</p> <p>General Manager</p>
19	S37(3)(5)	<p>Information relating to business affairs of a third party If a public authority or Minister, after receipt of a third party's view, decides to disclose the information, the public authority or Minister must, by notice in writing given to the third party, notify the third party of the decision. See subsection 5 for caveats.</p>	A delegation may be for a period not exceeding 3 years.	<p>General Manager</p> <p>Executive Officer</p> <p>Information Officer</p> <p>Corporate Services Coordinator</p>	<p>Council</p> <p>General Manager</p>
20	S43(4)(5)	Internal review (of a decision in respect of an application).	A delegation may be for a period not exceeding 3 years.	General Manager	Council

## 32 - Roads and Jetties Act 1935

### DELEGATIONS & AUTHORISATIONS

- \* A council, in writing, may delegate with or without conditions to the general manager, any of its functions or powers under any Act: s.22 Local Government Act 1993 (subject to restrictions).
  - \* The general manager, in writing, may delegate to an employee of the council (a) any functions or powers under any Act, other than this power of delegation; and (b) any functions or powers delegated by the council which the council authorised the general manager to delegate: s.64 Local Government Act 1993.
- If an Act confers a power on a person to delegate a function or power, the person may, in accordance with the Act, delegate the function or power to (a) a person by name; or (b) the holder of a particular office or position by reference to the title of the office or position concerned, whether or not the office or position is vacant at the time of the delegation: s.23AA(1) of the Acts Interpretation Act 1931.
- \* If a function or power is delegated to a particular officer or the holder of a particular office or position (a) the delegation does not cease to have effect merely because the person who was the particular officer or the holder of the particular office or position when the function or power was delegated ceases to be that officer or the holder of that office or position; and (b) the function or power may be performed or exercised by the person for the time being occupying or acting in the office or position concerned: s.23AA(5) of the Acts Interpretation Act 1931.
  - \* A function or power that has been delegated may, notwithstanding the delegation, be exercised by the delegator: s.23AA(6) of the Acts Interpretation Act 1931.

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
1	S22LGA	To agree with the Minister for the maintenance or reconstruction of a State highway or a subsidiary road otherwise than in accordance with S.11(1).	Nil Conditions or Restrictions	General Manager	Council
2	S22LGA	To carry out the Council's power to move, keep or impound any vehicle causing an obstruction or danger etc and related action pursuant to S.48B.	Nil Conditions or Restrictions	General Manager	Council
3	S11	Maintenance of State highways, &c. in cities, &c.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council General Manager

4	S11(2)	To agree with the Minister for the maintenance or reconstruction of a State highway or a subsidiary road otherwise than in accordance with S.11(1).	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council General Manager
5	S28	Acquisition of land for quarry, &c.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council General Manager
6	S29	Intention to acquire land may be abandoned if compensation excessive.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council General Manager
7	S32	Entry by Council upon land and staking out of same.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council General Manager
8	S33	Rental of land (for the purpose of obtaining materials therefrom for the construction or maintenance of any road or street).	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council General Manager
9	S34	Use of uncultivated land for temporary road.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council General Manager

10	S35	Taking of timber, &c., from land (for making, repairing, or fencing any road, or for any other purposes of this Act).	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council General Manager
11	S36	Quarries, &c., to be fenced and filled up or otherwise secured.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council General Manager
12	S37	Fences to be restored.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council General Manager
13	S38	Deviations to be fenced Where any road has been diverted, the road authority shall, if required by the owner or occupier of any land through which such road passes, cause such road to be well and sufficiently fenced where it so passes.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council General Manager
14	S39	Entry upon adjoining lands for road maintenance or reconstruction.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council General Manager
15	S40	Power to make, cleanse and keep open drains or watercourses in and through land adjoining or near any road	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council General Manager



16	S41	Timber growing near roads may be cut down: Consent of owner required in certain cases.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council General Manager
17	S42	Hedges, &c., obstructing view of traffic to be cut or trimmed.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council General Manager
18	S44	Culverts to be constructed by owners at entrances to lands adjoining roads.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council General Manager
19	S45	Power of Minister in certain cases to erect gates across roads.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council General Manager
20	S46	Damage caused by overweight vehicles.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services	Council
21	S47	Road metal, &c., may be placed on side of road.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council General Manager

22	S47A	Warning gantries for bridges with overhead members.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council General Manager
23	S48	Power of road authority, with the consent of the Governor, to permit tramway or railway along or across road.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council General Manager
24	S48A	Removal and disposal of abandoned articles.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager Technical Officer Development Services	Council General Manager
25	S48B	Power to remove vehicles causing obstruction or danger.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council General Manager
26	S49	Obstructing roads: Notice to remove obstructions.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager Technical Officer Development Services	Council General Manager

27	S50B	Excavations A person must not make any excavation, vault or cellar beneath a street in a town without the consent of the appropriate council.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council General Manager
28	S51	Laying down timber, &c., on roads.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council General Manager

### 33 - Strata Titles Act 1998

This register is maintained in compliance with section 22 (4) of the *Local Government Act 1993* (Tas).

#### Notes on Delegation

(1) A council, in writing, may delegate with or without conditions to the general manager, any of its functions or powers under any Act: s.22 *Local Government Act 1993* (Tas) (subject to restrictions).

(2) The general manager, in writing, may delegate to an employee of the council (a) any functions or powers under any Act, other than this power of delegation; and (b) any functions or powers delegated by the council which the council authorised the general manager to delegate: s.64 *Local Government Act 1993* (Tas).

(3) If an Act confers a power on a person to delegate a function or power, the person may, in accordance with the Act, delegate the function or power to (a) a person by name; or (b) the holder of a particular office or position by reference to the title of the office or position concerned, whether or not the office or position is vacant at the time of the delegation: s.23AA(1) *Acts Interpretation Act 1931* (Tas).

(4) If a function or power is delegated to a particular officer or the holder of a particular office or position (a) the delegation does not cease to have effect merely because the person who was the particular officer or the holder of the particular office or position when the function or power was delegated ceases to be that officer or the holder of that office or position; and (b) the function or power may be performed or exercised by the person for the time being occupying or acting in the office or position concerned: s.23AA(5) *Acts Interpretation Act 1931* (Tas).

(5) A function or power that has been delegated may, notwithstanding the delegation, be exercised by the delegator: s.23AA(6) *Acts Interpretation Act 1931* (Tas).

#### Notes on the Register (see table)

##### Note 1:

(a) This section is to be populated by councils. It is suggested entries only be made in this column when the executed instrument of delegation is sighted by the officer making the entry. This will avoid this table being incorrectly relied on with respect to what instruments of delegation have been executed.

(b) Councils may delegate functions and powers to a particular office or position eg - Senior Environmental Health Officer: s.23AA *Acts Interpretation Act 1931* (Tas)

##### Note 2:

This section of the table is to be populated by councils. Conditions or restrictions on the exercise of a power or function can be imposed by the person making the delegation (s.23AA *Acts Interpretation Act 1931* (Tas) & s.22 *Local Government Act 1993* (Tas)). Conditions or restrictions may also be contained in the legislation.

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
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1	S31(2A)	Application for, and grant of, certificate of approval The Council must within 30 days of receiving an application issue or refuse to issue a certificate of approval.	<ul style="list-style-type: none"> <li>· No authority to sub-delegate in respect of the delegation</li> <li>· Any action taken may only be done so upon advice from the Development Services Coordinator or the Manager Infrastructure and Development Services. that the application complies with the relevant legislation</li> </ul>	General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner	Council
2	S31(2B)	Application for, and grant of, certificate of approval The Council may give the applicant notice requiring further information in order to determine the application.	<ul style="list-style-type: none"> <li>· No authority to sub-delegate in respect of the delegation</li> <li>· Any action taken may only be done so upon advice from the Development Services Coordinator or the Manager Infrastructure and Development Services. that the application complies with the relevant legislation</li> </ul>	General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner	Council
3	S31(3)	Application for, and grant of, certificate of approval The Council may issue a certificate of approval for a strata plan after satisfying itself of certain matters.	<ul style="list-style-type: none"> <li>· No authority to sub-delegate in respect of the delegation</li> <li>· Any action taken may only be done so upon advice from the Development Services Coordinator or the Manager Infrastructure and Development Services. that the application complies with the relevant legislation</li> </ul>	General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner	Council
4	S31(4)	Application for, and grant of, certificate of approval The Council must return sketches, plans and models if it refuses to issue a certificate of approval.	<ul style="list-style-type: none"> <li>· No authority to sub-delegate in respect of the delegation</li> <li>· Any action taken may only be done so upon advice from the Development Services Coordinator or the Manager Infrastructure and Development Services. that the application complies with the relevant legislation</li> </ul>	General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner	Council

5	S31(6)	Application for, and grant of, certificate of approval The Council must refuse to issue a certificate of approval if it considers the proposal is actually a subdivision.	<ul style="list-style-type: none"> <li>· No authority to sub-delegate in respect of the delegation</li> <li>· Any action taken may only be done so upon advice from the Development Services Coordinator or the Manager Infrastructure and Development Services. that the application complies with the relevant legislation</li> </ul>	General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner	Council
6	S31AA	Requirement for staged development scheme Where an application for a certificate of approval is made wholly or partly in respect of vacant land, the council may refuse the application on the ground that an application for a staged development scheme under section 38 should be made.	<ul style="list-style-type: none"> <li>· No authority to sub-delegate in respect of the delegation</li> <li>· Any action taken may only be done so upon advice from the Development Services Coordinator or the Manager Infrastructure and Development Services. that the application complies with the relevant legislation</li> </ul>	General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner	Council
7	S36(1)	Application for council approval (in relation to a staged development scheme).	<ul style="list-style-type: none"> <li>· No authority to sub-delegate in respect of the delegation</li> <li>· Any action taken may only be done so upon advice from the Development Services Coordinator or the Manager Infrastructure and Development Services. that the application complies with the relevant legislation</li> </ul>	General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner	Council
8	S37(1)(a)	Approval of scheme in principle Before giving in principle approval for a staged development scheme council can require specified changes to the scheme.	<ul style="list-style-type: none"> <li>· No authority to sub-delegate in respect of the delegation</li> <li>· Any action taken may only be done so upon advice from the Development Services Coordinator or the Manager Infrastructure and Development Services. that the application complies with the relevant legislation</li> </ul>	General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner	Council

9	S37(1)(b)	Approval of scheme in principle Before giving in principle approval for a staged development scheme council can require the demolition or alteration of buildings on the site.	<ul style="list-style-type: none"> <li>· No authority to sub-delegate in respect of the delegation</li> <li>· Any action taken may only be done so upon advice from the Development Services Coordinator or the Manager Infrastructure and Development Services. that the application complies with the relevant legislation</li> </ul>	General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner	Council
10	S37(2)(a)	Approval of scheme in principle Council can approve a staged development scheme unconditionally.	<ul style="list-style-type: none"> <li>· No authority to sub-delegate in respect of the delegation</li> <li>· Any action taken may only be done so upon advice from the Development Services Coordinator or the Manager Infrastructure and Development Services. that the application complies with the relevant legislation</li> </ul>	General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner	Council
11	S37(2)(b)	Approval of scheme in principle Council can approve the staged development scheme subject to specified conditions.	<ul style="list-style-type: none"> <li>· No authority to sub-delegate in respect of the delegation</li> <li>· Any action taken may only be done so upon advice from the Development Services Coordinator or the Manager Infrastructure and Development Services. that the application complies with the relevant legislation</li> </ul>	General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner	Council
12	S37(2)(c)	Approval of scheme in principle Council can refuse to approve the staged development scheme.	<ul style="list-style-type: none"> <li>· No authority to sub-delegate in respect of the delegation</li> <li>· Any action taken may only be done so upon advice from the Development Services Coordinator or the Manager Infrastructure and Development Services. that the application complies with the relevant legislation</li> </ul>	General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner	Council

13	S37(4)	Approval of scheme in principle If council approves the proposed staged development scheme it must issue a certificate of approval.	<ul style="list-style-type: none"> <li>· No authority to sub-delegate in respect of the delegation</li> <li>· Any action taken may only be done so upon advice from the Development Services Coordinator or the Manager Infrastructure and Development Services. that the application complies with the relevant legislation</li> </ul>	General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner	Council
14	S41(2)	Progressive development The council may refuse to approve a particular stage in a staged development scheme if an earlier stage of the scheme has not been completed as required under the terms of the registered scheme.	<ul style="list-style-type: none"> <li>· No authority to sub-delegate in respect of the delegation</li> <li>· Any action taken may only be done so upon advice from the Development Services Coordinator or the Manager Infrastructure and Development Services. that the application complies with the relevant legislation</li> </ul>	General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner	Council
15	S42(2)	Application for variation of scheme The application is to be made in the first instance to the council for the area in which the site is situated.	<ul style="list-style-type: none"> <li>· No authority to sub-delegate in respect of the delegation</li> <li>· Any action taken may only be done so upon advice from the Development Services Coordinator or the Manager Infrastructure and Development Services. that the application complies with the relevant legislation</li> </ul>	General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner	Council
16	S42(5)	Application for variation of scheme The council may dispense with the consent of a present or prospective owners of lots in the staged development scheme in relation to a proposed variation if satisfied of certain matters.	<ul style="list-style-type: none"> <li>· No authority to sub-delegate in respect of the delegation</li> <li>· Any action taken may only be done so upon advice from the Development Services Coordinator or the Manager Infrastructure and Development Services. that the application complies with the relevant legislation</li> </ul>	General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner	Council



17	S42(6)	<p>Application for variation of scheme</p> <p>The council may approve the variation unconditionally, or approve the variation subject to specified conditions or refuse to approve the variation.</p>	<ul style="list-style-type: none"> <li>· No authority to sub-delegate in respect of the delegation</li> <li>· Any action taken may only be done so upon advice from the Development Services Coordinator or the Manager Infrastructure and Development Services. that the application complies with the relevant legislation</li> </ul>	<p>General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner</p>	Council
18	S45	<p>Injunction</p> <p>Council (as an “interested person” under the Act) can apply for a mandatory injunction requiring the developer of a staged development scheme to complete the scheme.</p>	<ul style="list-style-type: none"> <li>· No authority to sub-delegate in respect of the delegation</li> <li>· Any action taken may only be done so upon advice from the Development Services Coordinator or the Manager Infrastructure and Development Services. that the application complies with the relevant legislation</li> </ul>	<p>General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner</p>	Council
19	S54(1)(a)	<p>Approval of scheme</p> <p>Before giving in principle approval for a community development scheme council can require specified changes to the scheme.</p>	<ul style="list-style-type: none"> <li>· No authority to sub-delegate in respect of the delegation</li> <li>· Any action taken may only be done so upon advice from the Development Services Coordinator or the Manager Infrastructure and Development Services. that the application complies with the relevant legislation</li> </ul>	<p>General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner</p>	Council
20	S54(1)(b)	<p>Approval of scheme</p> <p>Before giving in principle approval for a community development scheme council can require the demolition or alteration of buildings on the site.</p>	<ul style="list-style-type: none"> <li>· No authority to sub-delegate in respect of the delegation</li> <li>· Any action taken may only be done so upon advice from the Development Services Coordinator or the Manager Infrastructure and Development Services. that the application complies with the relevant legislation</li> </ul>	<p>General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner</p>	Council

21	S54(2)(a)	Approval of scheme Council can approve a proposed community development scheme unconditionally.	<ul style="list-style-type: none"> <li>· No authority to sub-delegate in respect of the delegation</li> <li>· Any action taken may only be done so upon advice from the Development Services Coordinator or the Manager Infrastructure and Development Services. that the application complies with the relevant legislation</li> </ul>	General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner	Council
22	S54(2)(b)	Approval of scheme Council can approve the proposed community development scheme subject to specified conditions.	<ul style="list-style-type: none"> <li>· No authority to sub-delegate in respect of the delegation</li> <li>· Any action taken may only be done so upon advice from the Development Services Coordinator or the Manager Infrastructure and Development Services. that the application complies with the relevant legislation</li> </ul>	General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner	Council
23	S54(2)(c)	Approval of scheme Council can refuse to approve the proposed community development scheme.	<ul style="list-style-type: none"> <li>· No authority to sub-delegate in respect of the delegation</li> <li>· Any action taken may only be done so upon advice from the Development Services Coordinator or the Manager Infrastructure and Development Services. that the application complies with the relevant legislation</li> </ul>	General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner	Council
24	S54(4)	Approval of scheme If council approves the proposed community development scheme it must issue a certificate of approval.	<ul style="list-style-type: none"> <li>· No authority to sub-delegate in respect of the delegation</li> <li>· Any action taken may only be done so upon advice from the Development Services Coordinator or the Manager Infrastructure and Development Services. that the application complies with the relevant legislation</li> </ul>	General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner	Council

25	S57(2)	<p>Progressive development</p> <p>The council may refuse to approve a particular stage of a community development scheme in certain circumstances.</p>	<ul style="list-style-type: none"> <li>· No authority to sub-delegate in respect of the delegation</li> <li>· Any action taken may only be done so upon advice from the Development Services Coordinator or the Manager Infrastructure and Development Services. that the application complies with the relevant legislation</li> </ul>	<p>General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner</p>	Council
26	S58(2)	<p>Application for variation of scheme</p> <p>The application is to be made in the first instance to the council for the area in which the site is situated.</p>	<ul style="list-style-type: none"> <li>· No authority to sub-delegate in respect of the delegation</li> <li>· Any action taken may only be done so upon advice from the Development Services Coordinator or the Manager Infrastructure and Development Services. that the application complies with the relevant legislation</li> </ul>	<p>General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner</p>	Council
27	S58(5)	<p>Application for variation of scheme</p> <p>The council may dispense with the consent of a present or prospective owners of lots in the community development scheme in relation to a proposed variation if satisfied of certain matters.</p>	<ul style="list-style-type: none"> <li>· No authority to sub-delegate in respect of the delegation</li> <li>· Any action taken may only be done so upon advice from the Development Services Coordinator or the Manager Infrastructure and Development Services. that the application complies with the relevant legislation</li> </ul>	<p>General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner</p>	Council
28	S58(6)	<p>Application for variation of scheme</p> <p>The council may approve the variation unconditionally, or approve the variation subject to specified conditions or refuse to approve the variation.</p>	<ul style="list-style-type: none"> <li>· No authority to sub-delegate in respect of the delegation</li> <li>· Any action taken may only be done so upon advice from the Development Services Coordinator or the Manager Infrastructure and Development Services. that the application complies with the relevant legislation</li> </ul>	<p>General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner</p>	Council

29	S61	Injunction (as an “interested person” under the Act) can apply for a mandatory injunction requiring the developer of a community development scheme to complete the scheme.	Council · No authority to sub-delegate in respect of the delegation · Any action taken may only be done so upon advice from the Development Services Coordinator or the Manager Infrastructure and Development Services. that the application complies with the relevant legislation	General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner	Council
30	S65(a)	Assignment of interest in land subject to scheme If the owner of land subject to a registered community development scheme proposes to sell or dispose of land subject to the scheme the owner must given written notice of the proposed transaction to the Council for the area in which the site is situated.	· No authority to sub-delegate in respect of the delegation · Any action taken may only be done so upon advice from the Development Services Coordinator or the Manager Infrastructure and Development Services. that the application complies with the relevant legislation	General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner	Council
31	S65(b)(i)	Assignment of interest in land subject to scheme If the owner of land subject to a registered community development scheme proposes to sell or dispose of land subject to the scheme the person who is to acquire title to the land in consequence of the transaction must give to the council a written undertaking to develop the land in accordance with the registered scheme.	· No authority to sub-delegate in respect of the delegation · Any action taken may only be done so upon advice from the Development Services Coordinator or the Manager Infrastructure and Development Services. that the application complies with the relevant legislation	General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner	Council
32	S65(b)(ii)	Assignment of interest in land subject to scheme If the owner of land subject to a registered community development scheme proposes to sell or dispose of land subject to the scheme the person who is to acquire title to the land in consequence of the transaction must give the council any security required by the council, within 28 days after notice of the transaction was given to the council, for the development of the land in accordance with the scheme.	· No authority to sub-delegate in respect of the delegation · Any action taken may only be done so upon advice from the Development Services Coordinator or the Manager Infrastructure and Development Services. that the application complies with the relevant legislation	General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner	Council

33	S142(2)(b)	Recording of certain orders.	<ul style="list-style-type: none"> <li>· No authority to sub-delegate in respect of the delegation</li> <li>· Any action taken may only be done so upon advice from the Development Services Coordinator or the Manager Infrastructure and Development Services. that the application complies with the relevant legislation</li> </ul>	General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner	Council
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## 34 - Survey Co-Ordination Act 1944

This register is maintained in compliance with section 22 (4) of the *Local Government Act 1993* (Tas).

### Notes on Delegation

- (1) A council, in writing, may delegate with or without conditions to the general manager, any of its functions or powers under any Act: s.22 *Local Government Act 1993* (Tas) (subject to restrictions).
- (2) The general manager, in writing, may delegate to an employee of the council (a) any functions or powers under any Act, other than this power of delegation; and (b) any functions or powers delegated by the council which the council authorised the general manager to delegate: s.64 *Local Government Act 1993* (Tas).
- (3) If an Act confers a power on a person to delegate a function or power, the person may, in accordance with the Act, delegate the function or power to (a) a person by name; or (b) the holder of a particular office or position by reference to the title of the office or position concerned, whether or not the office or position is vacant at the time of the delegation: s.23AA(1) *Acts Interpretation Act 1931* (Tas).
- (4) If a function or power is delegated to a particular officer or the holder of a particular office or position (a) the delegation does not cease to have effect merely because the person who was the particular officer or the holder of the particular office or position when the function or power was delegated ceases to be that officer or the holder of that office or position; and (b) the function or power may be performed or exercised by the person for the time being occupying or acting in the office or position concerned: s.23AA(5) *Acts Interpretation Act 1931* (Tas).
- (5) A function or power that has been delegated may, notwithstanding the delegation, be exercised by the delegator: s.23AA(6) *Acts Interpretation Act 1931* (Tas).

### Notes on the Register (see table)

#### Note 1:

- (a) This section is to be populated by councils. It is suggested entries only be made in this column when the executed instrument of delegation is sighted by the officer making the entry. This will avoid this table being incorrectly relied on with respect to what instruments of delegation have been executed.
- (b) Councils may delegate functions and powers to a particular office or position eg - Senior Environmental Health Officer: s.23AA *Acts Interpretation Act 1931* (Tas)

#### Note 2:

This section of the table is to be populated by councils. Conditions or restrictions on the exercise of a power or function can be imposed by the person making the delegation (s.23AA *Acts Interpretation Act 1931* (Tas) & s.22 *Local Government Act 1993* (Tas)). Conditions or restrictions may also be contained in the legislation.

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
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1	S4(2)	Public authorities to compile and forward to Surveyor-General lists of existing plans Every public authority shall, upon being so required by the Surveyor-General, appoint a fit and proper person as the proper officer of that authority for the purposes of this Act.	Nil Conditions or Restrictions	General Manager	Council
2	S5	Public authorities to give notice of intention to commence new surveys.	Nil Conditions or Restrictions	General Manager	Council

## 35 - Traffic Act 1925

### Notes on Legislation S.3(2):

This Act is to be read together with the Vehicle and Traffic Act 1999 as a single Act and accordingly –

- (a) Words and expressions used in this Act that are defined under the Vehicle and Traffic Act 1999 (and not in this Act) have, unless the contrary intention appears, the same respective meanings; and
- (b) A reference to “this Act” extends, unless the contrary intention appears, to both Acts.

This register is maintained in compliance with section 22 (4) of the *Local Government Act 1993* (Tas).

### Notes on Delegation

- (1) A council, in writing, may delegate with or without conditions to the general manager, any of its functions or powers under any Act: s.22 *Local Government Act 1993* (Tas) (subject to restrictions).
- (2) The general manager, in writing, may delegate to an employee of the council (a) any functions or powers under any Act, other than this power of delegation; and (b) any functions or powers delegated by the council which the council authorised the general manager to delegate: s.64 *Local Government Act 1993* (Tas).
- (3) If an Act confers a power on a person to delegate a function or power, the person may, in accordance with the Act, delegate the function or power to (a) a person by name; or (b) the holder of a particular office or position by reference to the title of the office or position concerned, whether or not the office or position is vacant at the time of the delegation: s.23AA(1) *Acts Interpretation Act 1931* (Tas).
- (4) If a function or power is delegated to a particular officer or the holder of a particular office or position (a) the delegation does not cease to have effect merely because the person who was the particular officer or the holder of the particular office or position when the function or power was delegated ceases to be that officer or the holder of that office or position; and (b) the function or power may be performed or exercised by the person for the time being occupying or acting in the office or position concerned: s.23AA(5) *Acts Interpretation Act 1931* (Tas).
- (5) A function or power that has been delegated may, notwithstanding the delegation, be exercised by the delegator: s.23AA(6) *Acts Interpretation Act 1931* (Tas).

### Notes on the Register (see table)

#### Note 1:

- (a) This section is to be populated by councils. It is suggested entries only be made in this column when the executed instrument of delegation is sighted by the officer making the entry. This will avoid this table being incorrectly relied on with respect to what instruments of delegation have been executed.
- (b) Councils may delegate functions and powers to a particular office or position eg - Senior Environmental Health Officer: s.23AA *Acts Interpretation Act 1931* (Tas)

#### Note 2:

This section of the table is to be populated by councils. Conditions or restrictions on the exercise of a power or function can be imposed by the person making the delegation (s.23AA *Acts Interpretation Act 1931* (Tas) & s.22 *Local Government Act 1993* (Tas)). Conditions or restrictions may also be contained in the legislation.



No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
1	S41CA	Declaration of road for use by personal mobility devices The road authority for a speed-limited road may, by notice published in the Gazette, declare that road to be a road on which a PMD user may travel, subject to such terms and conditions as are specified in the notice. If a road authority makes a declaration under subsection (2), that road authority is to publish a copy of that declaration on a website of the road authority and is to ensure that a copy of the declaration remains on the website while the declaration remains in force.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council
2	S43(2)	Removal of things obstructing public streets An authorized person may remove, take and detain articles placed or left in public streets to the obstruction, annoyance or danger of other persons.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council
3	S43 (3) (4) (5)	Removal of things obstructing public streets A relevant authority must notify articles owner of removal and/or dispose of articles not removed.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council

4	S43G	<p>Notice of demand</p> <p>(1) An issuing authority may serve a notice of demand on the registered operator of a vehicle if the issuing authority is satisfied that the driver of that vehicle committed a traffic offence.</p> <p>(2) A notice of demand is to indicate the offence to which it relates, specify the registration number of the vehicle involved, and specify that the registered operator is to provide the issuing authority, within 14 days after service of the notice, with a statutory declaration stating the name, address and, if known, the date of birth and driver licence number of the driver of the vehicle at the time of the offence.</p>	<p>S 3(1) issuing authority in relation to a notice of demand or traffic infringement notice, includes - (c) an authorised officer.</p> <p>S 9(2) Where, under this Act or the Vehicle and Traffic Act, any power or right may be exercised by an authorised officer, or any act is authorised or required to be done by or in respect of an authorised officer, that power may be exercised, and that act may be done by or in respect of - (b) an officer of a local authority authorised in writing by the Commission in that behalf.</p> <p>(3) The Commission may only authorise an officer of a local authority to exercise a power or right in respect of, or in respect of the prevention of, prescribed offences within the municipal area of that local authority.</p>	<p>General Manager Manager Infrastructure and Development Services Works Operations Manager</p>	<p>Council</p>
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5	S43H	<p>Traffic infringement notices</p> <p>Where an issuing authority is satisfied that a person has committed a prescribed offence or offences, the issuing authority may serve on that person a notice in respect of that offence or those offences.</p>	<p>S 3(1) issuing authority in relation to a notice of demand or traffic infringement notice, includes - (c) an authorised officer.</p> <p>S 9(2) Where, under this Act or the Vehicle and Traffic Act, any power or right may be exercised by an authorised officer, or any act is authorised or required to be done by or in respect of an authorised officer, that power may be exercised, and that act may be done by or in respect of - (b) an officer of a local authority authorised in writing by the Commission in that behalf.</p> <p>(3) The Commission may only authorise an officer of a local authority to exercise a power or right in respect of, or in respect of the prevention of, prescribed offences within the municipal area of that local authority.</p>	<p>General Manager Manager Infrastructure and Development Services Works Operations Manager</p>	<p>Council</p>
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## 36 - Urban Drainage Act 2013

### Notes on Legislation

S 3 *A authorised officer* means a person authorised to enter land under section 20A of the Local Government Act 1993.

S 3 *Stormwater service provider* means the council, or an agent engaged to act on behalf of the council, that operates and maintains the public stormwater system

This register is maintained in compliance with section 22 (4) of the *Local Government Act 1993* (Tas).

### Notes on Delegation

(1) A council, in writing, may delegate with or without conditions to the general manager, any of its functions or powers under any Act: s.22 *Local Government Act 1993* (Tas) (subject to restrictions).

(2) The general manager, in writing, may delegate to an employee of the council (a) any functions or powers under any Act, other than this power of delegation; and (b) any functions or powers delegated by the council which the council authorised the general manager to delegate: s.64 *Local Government Act 1993* (Tas).

(3) If an Act confers a power on a person to delegate a function or power, the person may, in accordance with the Act, delegate the function or power to (a) a person by name; or (b) the holder of a particular office or position by reference to the title of the office or position concerned, whether or not the office or position is vacant at the time of the delegation: s.23AA(1) *Acts Interpretation Act 1931* (Tas).

(4) If a function or power is delegated to a particular officer or the holder of a particular office or position (a) the delegation does not cease to have effect merely because the person who was the particular officer or the holder of the particular office or position when the function or power was delegated ceases to be that officer or the holder of that office or position; and (b) the function or power may be performed or exercised by the person for the time being occupying or acting in the office or position concerned: s.23AA(5) *Acts Interpretation Act 1931* (Tas).

(5) A function or power that has been delegated may, notwithstanding the delegation, be exercised by the delegator: s.23AA(6) *Acts Interpretation Act 1931* (Tas).

### Notes on the Register (see table)

#### Note 1:

(a) This section is to be populated by councils. It is suggested entries only be made in this column when the executed instrument of delegation is sighted by the officer making the entry. This will avoid this table being incorrectly relied on with respect to what instruments of delegation have been executed.

(b) Councils may delegate functions and powers to a particular office or position eg - Senior Environmental Health Officer: s.23AA *Acts Interpretation Act 1931* (Tas)

#### Note 2:

This section of the table is to be populated by councils. Conditions or restrictions on the exercise of a power or function can be imposed by the person making the delegation (s.23AA *Acts Interpretation Act 1931* (Tas) & s.22 *Local Government Act 1993* (Tas)). Conditions or restrictions may also be contained in the legislation.

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
1	S5(4)	Council to provide adequate public stormwater system A council may appeal to the Appeal Tribunal against an order under subsection 5(3) within the period specified in the order.)	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council
2	S5(6)	Council to provide adequate public stormwater system Council to provide public stormwater system. If found not too, they must comply with the orders in notice of default.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council
3	S7	Service of notice relating to negotiations for provisions of stormwater services.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council
4	S11(1)	Power of council to adopt stormwater systems General manager may agree with a person who has a private stormwater system or is proposing to construct stormwater system that if it is constructed in accordance with the terms of the agreement that the council will declare the works to be vested in the council.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council General Manager
5	S11(4)	Power of council to adopt stormwater systems General manager may require person constructing a drain to construct it in a different way.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council General Manager

6	S11(8)	Power of council to adopt stormwater systems Where a council imposes a requirement under S.11(4) they must pay extra costs incurred by person constructing the drain.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council
7	S12	Council to maintain maps.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council
8	S13	Protection of stormwater assets General manager granting consent as to protection of stormwater assets. Issuing of notices requiring removal where consent has not been granted.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council General Manager
9	S13(4)	Protection of stormwater assets If a person fails to carry out the works required in the notice within the specified period, the council may demolish, remove or remedy the building or construction and carry out any works necessary for restoring or reinstating the public stormwater system.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council
10	S13(5)(b)	Protection of stormwater assets If the council carries out works under S.13(4) expenses are recoverable in a court of a competent jurisdiction.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council
11	S14	Interference with public stormwater systems General manager granting consent as to interference with stormwater systems. Issuing of notices requiring removal where consent has not been granted.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council General Manager

12	S14(4)	Interference with public stormwater systems If a person fails to comply with the notice issued under 14(2) within the specified period, the council may demolish, remove or remedy the works and carry out any works necessary for restoring or reinstating the infrastructure.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council
13	S14(5)(b)	Interference with public stormwater systems If the council carries out works under S.14(4) expenses are recoverable in a court of a competent jurisdiction.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council
14	S15(13)	Power of authorised officers to carry out work on or adjacent to public land A council must make good, to the satisfaction of the authority responsible for the land, any damage caused by the exercise of powers under this section as soon as practicable.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council
15	S16(9)	Power of authorized officers to enter private land The council must make good any damage caused by the exercise of powers under this section as soon as practicable or pay reasonable compensation for the damage.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council
16	S17	Power to undertake construction of public stormwater systems Without the permission of the relevant general manager, a person must not discharge, or cause or permit to be discharged, stormwater into any system other than the public stormwater system.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council
17	S18(3)	Discharge of matter into public stormwater system General Manager must give permission to discharge matter into public stormwater systems.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council General Manager

18	S20	Limits on connection point General manager to provide approval in relation to limits on connection points for public and private stormwater systems.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council General Manager
19	S21(1)	Requirement to connect General Manager may service notice requiring connection to public stormwater systems.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council General Manager
20	S21(3)	Requirement to connect Where notice has been served, council may recover costs if it is not complied with.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council
21	S22(1)	Requirement to disconnect General manager may service notice to property owner requiring the removal of existing connections between the property and public stormwater systems and recover costs where notice is not complied with.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council General Manager
22	S22(3)	Requirement to disconnect Where notice has been served, council may recover costs if it is not complied with.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council
23	S23(2)(a)	Property owners not to direct stormwater onto neighbouring properties General manager to issue notice giving property owner creating nuisance 28 days to stop.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council General Manager



24	S23(2)(b)	Property owners not to direct stormwater onto neighbouring properties If a property owner does not comply with a notice under S.23(2)(a) the council can carry out such works that are necessary to rectify the nuisance.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council
25	S23(3)	Property owners not to direct stormwater onto neighbouring properties Any costs incurred under S.23(2)(b) are recoverable in a court of competent jurisdiction.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council

## 37 - Vehicle and Traffic Act 1999

### DELEGATIONS & AUTHORISATIONS

- \* The general manager, in writing, may delegate to an employee of the council (a) any functions or powers under any Act, other than this power of delegation; and (b) any functions or powers delegated by the council which the council authorised the general manager to delegate: s.64 Local Government Act 1993.
- \* If an Act confers a power on a person to delegate a function or power, the person may, in accordance with the Act, delegate the function or power to (a) a person by name; or (b) the holder of a particular office or position by reference to the title of the office or position concerned, whether or not the office or position is vacant at the time of the delegation: s.23AA(1) of the Acts Interpretation Act 1931.
- \* If a function or power is delegated to a particular officer or the holder of a particular office or position (a) the delegation does not cease to have effect merely because the person who was the particular officer or the holder of the particular office or position when the function or power was delegated ceases to be that officer or the holder of that office or position; and (b) the function or power may be performed or exercised by the person for the time being occupying or acting in the office or position concerned: s.23AA(5) of the Acts Interpretation Act 1931.
- \* A function or power that has been delegated may, notwithstanding the delegation, be exercised by the delegator: s.23AA(6) of the Acts Interpretation Act 1931.

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
1	S56C(2)(3) (4)(5)	Certain activities prohibited on public streets (i.e. selling goods, or a business, calling, or employment) Permits for this section may be issued by the general manager of the council in which the public street is located (the "relevant council") and any person may apply in writing for such a permit.	Nil Conditions or Restrictions	General Manager Manager Infrastructure and Development Services	Council General Manager

## 38 - Miscellaneous Powers and Functions to the General Manager and an Officer/Employee

No	Function or Power	Delegation	Original Source of Power
1	To call for and accept quotations, tenders or auction the disposal of surplus or redundant plant, equipment or materials.	General Manager Manager Infrastructure and Development Services Business Services Manager Corporate Services Coordinator	Council General Manager
2	To approve the taking over by the Council of engineering works involved in the development of a subdivision subject to certification by the Engineering Technical Officer or Consultant Engineer that all the items, including maintenance, have been satisfactorily completed and "as constructed" drawings have been received.	General Manager Manager Infrastructure and Development Services	Council General Manager
3	To institute, defend, abandon, settle or compromise any proceedings before any tribunal for the recovery of debts due to the Council or for breaches of any By-laws or statutes affecting the Council, or to protect, recover or secure recompense for damage to or loss of any property of the Council.	General Manager Business Services Manager Corporate Services Coordinator	Council General Manager
4	To authorise and to institute proceedings for non-compliance with any order or notice lawfully made or given by or on behalf of the Council, and where such order or notice is not complied with, to authorise the carrying out of the necessary work where the Council has the power to do so.	General Manager Technical Officer Development Services Development Services Coordinator Environmental Health Officer Manager Infrastructure and Development Services	Council General Manager
5	To issue or publish or cause to be issued or published statements of fact relating to Council's activities or policies.	General Manager	Council
6	To seek legal advice and to complete affidavits on behalf of Council in accordance with Council policies.	General Manager	Council

7	To sign all contracts, leases and agreements on behalf of Council in accordance with Council policies.	General Manager	Council
8	To control and supervise all contracts and to approve expenditure authorised thereunder in the relevant budget, including contingency provisions.	General Manager Manager Infrastructure and Development Services Business Services Manager Corporate Services Coordinator Manager Community Services	Council General Manager
9	To authorise the carrying out by Council of private works for other parties.	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council General Manager
10	To authorise the joining in or the contribution by the Council, to the erection or repair of any fence between land of the Council and adjoining land in accordance with the Boundary Fences Act 1908 and in keeping with the Council budget estimates.	General Manager Manager Infrastructure and Development Services	Council General Manager
11	To determine the use of public roads for walk-a-thons, charitable collections or other like events.	General Manager Manager Infrastructure and Development Services	Council General Manager
12	To authorise the closure of roads or parts thereof temporarily for repairs or construction.	General Manager Manager Infrastructure and Development Services	Council General Manager

13	To authorise the total or partial release of bonds, guarantees and security deposits where the relevant Manager has certified that the work or thing which the bond, guarantee or security deposit relates has been satisfied in whole or in part and to call on any bonds, guarantees or security deposits where the work secured has not been carried out in accordance with Council requirements.	General Manager Manager Infrastructure and Development Services Business Services Manager Corporate Services Coordinator	Council General Manager
14	To authorise the use of Council's plant and equipment in emergencies at the request of the State Emergency Services, Tasmania Police or the State Fire Authority.	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council General Manager
15	To make payments and donations in keeping with Council policy.	General Manager Manager Community Services Business Services Manager Corporate Services Coordinator	Council General Manager
16	To approve or disapprove, upon written application, requests to consume intoxicating liquor on Council reserves or premises.	General Manager	Council
17	To lend materials from Council stores stock in emergency circumstances as determined by the General Manager subject to the provision of a written acknowledgement of receipt of an undertaking to replace within a set time.	General Manager Manager Infrastructure and Development Services Works Operations Manager	Council General Manager
18	Power to approve demolition of buildings not classified by the National Trust or Heritage listed.	General Manager Manager Infrastructure and Development Services Development Services Coordinator Technical Officer Development Services	Council General Manager

19	To approve conditionally or otherwise all temporary signs and hoardings.	General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner	Council General Manager
20	Authority to appoint "Authorised Officers" or "Council Officers" where such are required to be appointed under the Local Government Act 1993 or any other Act and to issue "Certificates of Authority" to those officers where required.	General Manager	Council
21	The Affixing of the Common Seal as per the following conditions: 1. The General Manager may only affix the Council Seal to Sealed Plans 2. The General Manager may only affix the Council Seal to Grant Deeds/Funding Agreements 3. All use of the Seal must be reported to Council at its next Ordinary Meeting	General Manager	Council
22	To act in the role of Permit Authority to facilitate the powers and functions in administration, enforcement and responsibilities in accordance with the provisions of the Building Act 2016. **NOTE CONDITION: 1. This authority does not grant the Officers the power to delegate this function to any other persons.	Development Services Coordinator Development Services Administration Officer - Building Technical Officer Development Services Building Surveyor	General Manager

23	Environmental Health By-Lay 1/2023 - Authorised Officers appointed by the General Manager for the purpose of administering and applying this By-Law	Manager Infrastructure and Development Services Development Services Coordinator Technical Officer Development Services Building Surveyor Environmental Health Officer Works Operations Manager Assistant Works Operations Manager Animal Control Officer NRM Facilitator Project Officer	General Manager
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