

**WALGA Function Added:****1.1.1 Audit and Risk Committee**

Authority to meet with the Town's Auditor  
 examine the report of the Auditor and determine matters that require action to be taken  
 Authority to review and endorse the Town's report on any actions taken in response to an Auditor's report, prior to it being forwarded to the Minister

**1.2.2. Performing Functions Outside the District**

Mac said that we do this and perform functions for East Pilbara.  
 Determine the circumstances where it is appropriate for the Local Government's functions to be performed outside the District and prior to implementing such a decision, obtain the consent of the landowner/s and occupier/s and any other person that has control or management of the land impacted by the performance of the function [s.3.20(1)].

**1.2.3. Compensation for Damage Incurred when Performing Executive Functions**

In accordance with the s.3.22 procedures, assess and determine the extent of damage to private property arising directly from performance of executive functions and make payment of compensation [s.3.22(1)].

Where compensation is unable to be determined and agreed between parties, give effect to arbitration in accordance with s.3.23.

**1.2.9. Close Thoroughfares to Vehicles**

Authority to revoke an order to close a thoroughfare [s.3.50(6)].

Before doing anything to which section 3.51 applies, take action to notify affected owners and give public notice that allows reasonable time for submissions to be made and consider any submissions made before determining to fix or alter the level or alignment of a thoroughfare or draining water from a thoroughfare to private land [s.3.51].

**1.2.10. Control Reserves and Certain Unvested Facilities**

Authority to agree the method for control and management of an unvested facility which is partially within 2 or more local government districts. [s.3.53(3)].

Authority to do anything for the purpose of controlling and managing land under the control and management of the Town that the Town could do under s.5 of the [Parks and Reserves Act 1895](#). [s.3.54(1)].

### **1.2.11. Obstruction of Footpaths and Thoroughfares**

Authority to determine, by written notice served on a person who is carrying out plastering, painting or decorating operations (the work) over or near a footpath on land that is local government property, to require the person to cover the footpath during the period specified in the notice so as to:

- a. prevent damage to the footpath; or
- b. prevent inconvenience to the public or danger from falling materials [ULP r.5(2)].

### **1.2.12. Gates Across Public Thoroughfares**

Authority to provide, or refuse to provide, permission to have a gate or other device across a local government thoroughfare that permits the passage of vehicle traffic and prevents livestock straying [ULP r.9(1)].

Authority to require an applicant to publish a notice of the application in a manner thought fit for the purpose of informing persons who may be affected by the proposed gate or device [r.9(2)].

Authority to impose conditions on granting permission [ULP r.9(4)].

Authority to renew permission, or at any other time vary any condition, effective upon written notice to the person to whom permission was granted [ULP r.9(5)]. Authority to cancel permission by written notice, and request the person to whom permission was granted to remove the gate or device within a specified time [ULP r.9(6)].

### **1.2.13. Public Thoroughfare – Dangerous Excavations**

Authority to determine to give permission or refuse to give permission to make or make and leave an excavation in a public thoroughfare or land adjoining a public thoroughfare [ULP r.11(4)].

Authority to renew a permission granted or vary at any time, any condition imposed on a permission granted [ULP r.11(8)].

### **1.2.14. Crossing – Construction, Repair and Removal**

Authority to determine the specifications for construction of crossings to the satisfaction of the Local Government [ULP r.12(1)(a)].

Authority to initiate works to construct a crossing where the person fails to comply with a notice requiring them to construct or repair the crossing and recover 50% of the cost of doing so as a debt due from the person [ULP r.13(2)].

### **1.2.15. Private Works on, over or under Public Places**

Authority to impose conditions on permission including those prescribed in r.17(5) and (6) [ULP r.17(5)].

### **1.2.16. Give Notice to Prevent Damage to Local Government Property from Wind Erosion and Sand Drift**

Authority to give notice to an owner / occupier of land if it is considered that clearing the owner / occupier's land might cause local government land having a common boundary, will be adversely affected by wind erosion or sand drift [ULP r.21(1)].

### **1.2.18. Tenders for Goods and Services**

Authority to call tenders [F&G r.11(1)]. - New - Replaces 3.57 inb old register - Section 3.57 - Inviting tenders for providing goods or services (subject to condition 2)

Authority to, because of the unique nature of the goods or services or for any other reason it is unlikely that there is more than one supplier, determine a sole supplier arrangement [F&G r.11(f)].

Authority to undertake tender exempt procurement, in accordance with the Purchasing Policy requirements, where the total consideration is included in the adopted Annual Budget [F&G.r.11(2)].

Authority to invite tenders although not required to do so [F&G r.13].

Authority to determine the information that is to be disclosed to those interested in submitting a tender [F&G r.14(4)(a)].

Authority to evaluate tenders, by written evaluation, and decide which is the most advantageous [F&G r.18(4)].

Authority to accept, or reject tenders, only within the \$300,000 detailed as a condition on this Delegation and in accordance with the requirements of the Functions and General Regulations [F&G r.18(2)]

Authority to determine that a variation proposed is minor in context of the total goods or services sought through the invitation to tender and to then negotiate minor variations with the successful tenderer before entering into a contract [F&G r.20(1) and (3)].

Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&G r.18(4a)].

Authority to:

- i. Vary a contract that has been entered into with a successful tenderer, provided the variation/s do not change the scope of the original contract.
- ii. Exercise an extension option that was included in the original tender specification and contract in accordance with r.11(2)(j). [F&G r.21A].

### **1.2.19. Panels of Pre-Qualified Suppliers for Goods and Services**

Authority to determine that there is a continuing need for the goods or services proposed to be provided by a panel of pre-qualified suppliers [F&G r.24AC(1)(b)].

Authority to reject an application without considering its merits, where it was submitted at a place and within the time specified, but fails to comply with any other requirement specified in the invitation [F&G r.24AH(2)].

Authority to request clarification of information provided in a submission by an applicant [F&G r.24AH(4)].

### **1.2.24. Power to Invest and Manage Investments**

Authority to establish and document internal control procedures to be followed in the investment and management of investments [FM r.19].

### **1.2.25. Rate Record Amendment**

Authority to determine any requirement to amend the rate record for the 5-years preceding the current financial year [s.6.39(2)(b)].

### **1.2.27. Determine Due Date for Rates or Service Charges**

Authority to determine the date on which rates or service charges become due and payable to the Town [s.6.50].

### **1.2.31. Recovery of Rates Debts - Actions to Take Possession of the Land**

Authority to take possession of land and hold the land against a person having an estate or interest in the land where rates or service charges have remained unpaid for at least three years [s.6.64(1)], including:

- i. lease the land, or
- ii. sell the land; or where land is offered for sale and a contract of sale has not been entered into after 12 months:
  - I. cause the land to be transferred to the Crown [s.6.71 and s.6.74]; or
  - II. cause the land to be transferred to the Town [s.6.71].

Authority to lodge (and withdraw) a caveat to preclude dealings in respect of land where payment of rates or service charges imposed on that land is in arrears [s.6.64(3)].

Authority to agree terms and conditions with a person having estate or interest in land and to accept payment of outstanding rates, service charges and costs within 7 days of and prior to the proposed sale [s.6.69(2)].

### **1.2.32. Rate Record – Objections**

Authority to extend the time for a person to make an objection to a rate record [s.6.76(4)].

Authority to consider an objection to a rate record and either allow it or disallow it, wholly or in part, providing the decision and reasons for the decision in a notice promptly served upon the person whom made the objection [s.6.76(5)].

### **1.3.2. Determine and Manage Conditions on Approvals to Obstruct a Public Thoroughfare**

When determining to grant permission to obstruct a public footpath or thoroughfare under Delegated Authority 1.2.10:

1. Authority to determine the sum sufficient to cover the cost of repairing damage to the public thoroughfare resulting from the placement of a thing or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [ULP r.6(4)(d)].
2. Authority to determine the requirements for protective structures, during such time as it is considered necessary for public safety and convenience [ULP r.6(5)(b)].
3. Authority to determine and require in writing, that the person granted permission to obstruct a public thoroughfare repair damage caused by things placed on the thoroughfare and authority to determine if such repairs are to the satisfaction of the local government [ULP r.6(5)(d)].

### **1.3.3. Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares**

Authority to determine, as a condition of granting permission, requirements for protective structures and for the protective structures to be maintained and kept in satisfactory condition necessary for public safety and convenience [r.11(7)(c)].

Authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily.

### **1.3.4. Determine and Manage Conditions on Permission for Private Works on, over, or under Public Places**

Authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily. [r.17(6)(c)].

### **1.3.5. Electoral Enrolment Eligibility Claims and Electoral Roll**

1. Authority to require the written notice for co-owners or co-occupiers to be incorporated into Form 2 [r.11(1a)].
2. Authority to decide whether or not the claimant is eligible under s.4.30(1)(a) and (b) and accept or reject the claim accordingly [s.4.32(4)].
3. Authority to decide to accept or reject a claim made before the close of enrolments, but less than 14-days before the close of nominations [s.3.42(5A)].
4. Authority to make any enquiries necessary in order to make a decision on an eligibility claim [s.4.32(5)].
5. Authority to approve the omission of an elector's address from the Owners and Occupiers Register on the basis of a declaration from the elector that the publication of this information would place the elector's or their families safety at risk [Elections r.13(2)].
6. Authority to amend the Owners and Occupiers Register from time to time to make sure that the information recorded in it is accurate [Elections r.13(4)].
7. Authority to ensure that the information about electors that is recorded from enrolment eligibility claims is maintained in an up to date and accurate form [s.4.34].
8. Authority to decide that a person is no longer eligible under s.4.30 to be enrolled on the Owners and Occupiers Electoral Roll [s.4.35(1)] and to give notice [s.4.35(2)] and consider submissions [s.4.35(6)], before making such determination.
9. Authority to determine to take any action necessary to give effect to advice received from the Electoral Commissioner [s.4.35(5)].
10. Decide, with the approval of the Electoral Commissioner, that a new electoral roll is not required for an election day which is less than 100 days since the last election day [s.4.37(3)].

### **1.3.6 Destruction of Electoral Papers**

Authority to, after a period of 4-years, destroy the parcels of election papers in the presence of at least 2 other employees [Elect. r.82(4)].

### **5.1.1. Grant a Building Permit**

Authority to approve, or refuse to approve, an application for a new responsible person for a building permit [r.26].

### **5.1.2. Demolition Permits**

Authority to approve, or refuse to approve, an application for a new responsible person for a demolition permit [r.26].

### **5.1.3. Occupancy Permits or Building Approval Certificates**

Authority to extend, or refuse to extend, the period in which an occupancy permit or modification or building approval certificate has effect [s.65(4) and r.40].

### **5.1.7. Building Orders**

Authority to take court action to recover as a debt, reasonable costs and expense incurred in doing anything in regard to non-compliance with a building order [s.118(3)].

### **5.1.8. Inspection and Copies of Building Records**

Authority to determine an application from an interested person to inspect and copy a building record [s.131(2)].

### **5.1.9. Referrals and Issuing Certificates**

1. Authority to refer uncertified applications under s.17(1) to a building surveyor who is not employed by the local government [s.145A(1)].
2. Authority to issue a certificate for Design Compliance, Construction Compliance or Building Compliance whether or not the land subject of the application is located in the Town's District [s.145A(2)].

### **5.1.10. Private Pool Barrier – Alternative and Performance Solutions**

1. Authority to approve requirements alternative to a fence, wall, gate or other component included in the barrier, if satisfied that the alternative requirements will restrict access by young children as effectively as if there were compliance with AS 1926.1 [r.51(2)]
2. Authority to approve a door for the purposes of compliance with AS 1926.1, where a fence or barrier would cause significant structural or other problem which is beyond the control of the owner / occupier or the pool is totally enclosed by a building or a fence or barrier between the building and pool would create a significant access problem for a person with a disability [r.51(3)]
3. Authority to approve a performance solution to a Building Code pool barrier requirement if satisfied that the performance solution complies with the relevant performance requirement [r.51(5)].

### **5.1.11. Smoke Alarms – Alternative Solutions**

Authority to approve alternative building solutions which meet the performance requirement of the Building Code relating to fire detection and early warning [r.55].

### **6.2.1. Make Request to FES Commissioner – Control of Fire**

Authority to request on behalf of the Town that the FES Commissioner authorise the Bush Fire Liaison Officer or another person to take control of fire operations [s.13(4)].

### **6.2.2. Prohibited Burning Times - Vary**

Authority, where seasonal conditions warrant it, to determine a variation of the prohibited burning times, after consultation with an authorised CALM Act officer [s.17(7)].

### **6.2.3. Prohibited Burning Times – Control Activities**

1. Authority to determine permits to burn during prohibited burning times that have previously been refused by a Bush Fire Control Officer [r.15].
2. Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C].
3. Authority to determine, during a Prohibited Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B(2)].
4. Authority to issue directions, during a Prohibited Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)].
5. Authority to prohibit the use of tractors, engines or self-propelled harvester, during a Prohibited Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)].
6. Authority to recover the cost of measures taken by the Town or Bush Fire Control Officer, to extinguish a fire burning during Prohibited Burning Times, where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire the land they occupy [s.28(4)], including authority to recover expenses in any court of competent jurisdiction [s.28(5)].



#### **6.2.4. Restricted Burning Times – Vary and Control Activities**

1. Authority, where seasonal conditions warrant it and after consultation with an authorised CALM Act officer, to determine to vary the restricted burning times in respect of that year [s.18(5)].
  - a. Authority to determine to prohibit burning on Sundays or specified days that are public holidays in the District [r.15C].
2. Authority, where a permitted burn fire escapes or is out of control in the opinion of the Bush Fire Control Officer or an officer of the Bush Fire Brigade, to determine to recoup bush fire brigade expenses arising from preventing extension of or extinguishing an out of control permitted burn [s.18(11)].
3. Authority to determine permits to burn during restricted times that have previously been refused by a Bush Fire Control Officer [r.15].
4. Authority to arrange with the occupier of exempt land, the occupier of land adjoining it and the Bush Fire Brigade to cooperate in burning fire-breaks and require the occupier of adjoining land to provide by the date of the burning, ploughed or cleared fire-breaks parallel to the common boundary [s.22(6) and (7)].
5. Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C].
6. Authority to determine, during a Restricted Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B].
7. Authority to issue directions, during a Restricted Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)].
8. Authority to prohibit the use of tractors, engines or self-propelled harvester, during a Restricted Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)].
9. Authority to recover the cost of measures taken by the Town or Bush Fire Control Officer, to extinguish a fire burning during Restricted Burning Times, where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire the land they occupy [s.28(4)], including authority to recover expenses in any court of competent jurisdiction [s.28(5)].

### **6.2.5. Control of Operations Likely to Create Bush Fire Danger**

Authority to give directions to a Bush Fire Control Officer regarding matters necessary for the prevention of fire arising from:

- a. a person operating a bee smoker device during a prescribed period [r.39CA(5)].
- b. a person operating welding apparatus, a power operated abrasive cutting disc [r.39C(3)].
- c. a person using explosives [r.39D(2)].
- d. a person using fireworks [r.39E(3)].

Authority to determine directions or requirements for the carriage and deposit of incendiary materials (hot or burning ash, cinders, hot furnace refuse, or any combustible matter that is burning) [s.27D]. Note: this authority is also prescribed to a Bush Fire Control Officer, a Bush Fire Liaison Officer or an authorised CALM Act officer.

### **6.2.6. Burning Garden Refuse / Open Air Fires**

1. Authority to give written permission, during prohibited times and restricted times, for an incinerator located within 2m of a building or fence, only where satisfied it is not likely to create a fire hazard [s.24F(2)(b)(ii) and (4)].
2. Authority to prohibit or impose restrictions on the burning of garden refuse that is otherwise permitted under s.24F [s.24G(2)].
  - a. Authority to issue directions to an authorised officer as to the manner in which or the conditions under which permits to burn plants or plant refuse shall be issued in the District [r.27(3) and r.33(5)].
  - b. Authority to prohibit (object to) the issuing of a permit for the burning of a proclaimed plan growing upon any land within the District [r.34].
3. Authority to provide written approval, during prohibited times and restricted times, for fires to be lit for the purposes of:
  - a. camping or cooking [s.25(1)(a)].
  - b. conversion of bus into charcoal or for the production of lime, in consultation with an authorised CALM Act officer [s.25(1)(b)].
4. Authority to prohibit the lighting of fires in the open are for the purposes of camping or cooking for such period during the prohibited burning times as specified in a note published in the Gazette and newspaper circulating in the District and authority to vary such notice [s.25(1a) and (1b)].
5. Authority to serve written notice on a person to whom an exemption has been given under s.25 for lighting a fire in open air, prohibiting that person from lighting a fire and to determine conditions on the notice [s.25A(5)].

### **6.2.7. Firebreaks**

1. Authority to give written notice to an owner or occupier of land or all owners or occupiers of land within the District, requiring, to the satisfaction of the Town:
  - a. clearing of firebreaks as determined necessary and specified in the notice; and
  - b. act in respect to anything which is on the land and is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire; and
  - c. as a separate or coordinated action with any other person carry out similar actions [s.33(1)].
2. Authority to direct a Bush Fire Control Officer or any other employee to enter onto the land of an owner or occupier to carry out the requisitions of the notice which have not been complied with [s.33(4)].
  - a. Authority to recover any costs and expenses incurred in doing the acts, matters or things required to carry out the requisitions of the notice [s.33(5)].

### **6.2.8. Appoint Bush Fire Control Officer/s and Fire Weather Officer**

Authority to appoint a Fire Weather Officer, selected from senior Bush Fire Control Officers previously appointed and where more than one Fire Weather Officer is appointed, define a part of the District in which each Fire Weather Officer shall have exclusive right to exercise the powers of s.38(17). [s.38(8) and (9)].

- a. Authority to appoint deputy Fire Weather Officer/s as considered necessary and where two or more deputies are appointed, determine seniority [s.38(10)].

### **6.2.9. Control and Extinguishment of Bush Fires**

Authority to prohibit or postpone the lighting of a fire, despite a permit having been issued, where in the opinion of the Delegate the lighting of a fire would be or become a source of danger by escaping from the land on which it is proposed to be lit [s.46(1A)].

- a. Where it is proposed that the fire will be lit on land within 3kms of the boundary of forest land, and an authorised CALM Act office is not available or has not exercised the power to prohibit or proposed a fire considered to become a source of danger, then the Delegate may make the decision [s.46(1B)].

### **6.2.10. Apply for Declaration as an Approved Area**

Authority to apply to the Minister to have the local government district, or part of the district, declared as an approved area. [s.52(1)]

(Note - The declaration of a district, or part thereof, as an approved area, results in a reduction in insurance premium of crops within that area s.53.)

### **6.2.11. Recovery of Expenses Incurred through Contraventions of this Act**

Authority to recover expenses incurred as a result of an offence against the Bush Fires Act, being expenses incurred through the fulfilment of a duty or doing anything for which the Act empowered or required the Town or those on behalf of the Town to do [s.58].

### **7.1.1. Cat Registrations**

Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.9(6)].

Authority to reduce or waive a registration or approval to breed fee, in respect of any individual cat or any class of cats within the Town's District [Regs. Sch. 3 cl.1(4)].

### **7.1.3. Approval to Breed Cats**

Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.37(4)].

Authority to give an approved breeder a new certificate or tag [s.39].

### **7.1.5. Recovery of Costs – Destruction of Cats**

Authority to recover the amount of the costs associated with the destruction and the disposal of a cat [s.49(3)].

### **7.1.6. Applications to Keep Additional Cats**

1. Authority to require any document or additional information required to determine an application [r.8(3)]
2. Authority to refuse to consider an application if the applicant does not comply with a requirement to provide any document or information required to determine an application [r.8(4)].
3. Authority to grant or refuse approval for additional number of cats specified in an application to be kept at the prescribed premises and to determine any condition reasonably necessary to ensure premises are suitable for the additional number of cats [r.9].

### **7.1.7. Reduce or Waiver Registration Fee**

Authority to reduce or waiver a fee payable under Schedule 3 clauses (2) or (3) in respect to any individual cat.

#### **8.1.1. Refuse or Cancel Registration**

Authority to direct the registration officer to refuse to effect or renew or to cancel the registration of a dog, and to give notice of such decisions, where:

- i. the applicant, owner or registered owner has been convicted of an offence or paid a modified penalty within the past 3-years in respect of 2 or more offences against this Act, the *Cat Act 2011* or the *Animal Welfare Act 2002*; or
- ii. the dog is determined to be destructive, unduly mischievous or to be suffering from a contagious or infectious disease or
- iii. the delegate is not satisfied that the dog is or will be effectively confined in or at premises where the dog is ordinarily kept
- iv. the dog is required to be microchipped but is not microchipped; or
- v. the dog is a dangerous dog [s.16(3) and s.17A(2)].

Authority to discount or waive a registration fee, including a concessional fee, for any individual dog or any class of dogs within the Town's District [s15(4A)].

Authority to apply to a Justice of the Peace for an order to seize a dog where, following a decision to refuse or cancel a registration and the applicant / owner has not applied to the State Administration Tribunal for the decision to be reviewed. [s.17(4)].

- i. Authority, following seizure, to determine to cause the dog to be detained or destroyed or otherwise disposed of as though it had been found in contravention of section 31, 32 or 33A and had not been claimed [s.17(6)]

#### **8.1.4. Recovery of Moneys Due Under this Act**

Authority to recover moneys, in a court of competent jurisdiction, due in relation to a dog for which the owner is liable [s.29(5)].

#### **8.1.5. Dispose of or Sell Dogs Liable to be Destroyed**

Authority to dispose of or sell a dog which is liable to be destroyed [s.29(11)].

#### **8.1.7. Dangerous Dog Declared or Seized – Deal with Objections and Determine when to Revoke**

1. Authority to consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog [s.33G(4)].
2. Authority to revoke a declaration of a dangerous dog or revoke notice proposing to cause a dog to be destroyed, only where satisfied that the dog can be kept without likelihood of any contravention of this Act [s.33H(1)]
  - i. Authority to, before dealing with an application to revoke a declaration or notice, require the owner of the dog to attend with the dog a course in behaviour and training or otherwise demonstrate a change in the behaviour of the dog [s.33H(2)].

### **8.1.8. Determine Recoverable Expenses for Dangerous Dog Declaration**

Authority to determine the reasonable charge to be paid by an owner at the time of payment of the registration fee under s.15, up to any maximum amount prescribed, having regard to the expenses incurred by the Local Government in making inquiries, investigations and inspections concerning the behaviour of a dog declared to be dangerous [s.33H(5)].

### **10.1.6. Debt Recovery and Prosecutions**

Authority to recover costs incurred in connection with the lawful destruction or disposal of an item (seized) including any storage costs [s.54(1)] and the costs of any subsequent proceedings in a court of competent jurisdiction [s.54(3)].

### **10.1.7. Food Businesses List – Public Access**

Authority to decide to make a list of food businesses maintained under s.115(a) or (b) publicly available [r.51].

### **11.1.1. Give Notice Requiring Obliteration of Graffiti**

Authority to give written notice to a person who is an owner or occupier of property on which graffiti is applied, requiring the person to ensure that the graffiti is obliterated in an acceptable manner, within the time set out in the notice [s.18(2)].

Authority, where a person fails to comply with a notice, to do anything considered necessary to obliterate the graffiti in an acceptable manner [s.19(3)] and to take action to recover costs incurred as a debt due from the person who failed to comply with the notice [s.19(4)].

### **11.1.2. Notices – Deal with Objections and Give Effect to Notices**

Authority to deal with an objection to a notice [s.22(3)].

Authority, where an objection has been lodged, to:

- i. determine and take action to give effect to the notice, where it is determined that there are urgent reasons or an endangerment to public safety or likely damage to property or serious nuisance, if action is not taken [s.24(1)(b)] and
- ii. to give notice to the affected person, before taking the necessary actions [s.24(3)].

### **11.1.3. Obliterate Graffiti on Private Property**

Authority to determine to obliterate graffiti applied without consent of the owner or occupier, even though the land on which it is done is not local government property and the local government does not have consent [s.25(1)].

#### **11.1.4. Powers of Entry**

Authority to give notice of an intended entry to the owner or occupier of land, premises or thing, specifying the purpose for which entry is required [s.28].

Authority to obtain a warrant to enable entry onto any land, premises or thing for the purposes of this Act [s.29].

#### **16.1.3. Determine Compensation for Seized Items**

Authority, in response to an application for compensation, to determine compensation that is just and reasonable in relation to any item seized under Part 16 if there has been no contravention of the Act and the item cannot be returned or has in consequence of the seizure depreciated in value [s.264].

#### **16.1.4. Commence Proceedings**

Authority to commence proceedings for an offence under the Public Health Act 2016 [s.280]

### **20.1 Environmental Protection Act 1986**

20.1.1. Noise Control – Environmental Protection Notices [Reg.65(1)]

20.1.2. Noise Management Plans – Keeping Log Books, Noise Control Notices, Calibration and Approval of Non-Complying Events

20.1.3. Noise Management Plans – Construction Sites