



**2. CORPORATE POLICIES**  
**2.5 LEGAL AND STATUTORY**  
**2.5.2 Prosecution on Behalf of Council**

**Policy Measures**

Authority

That Council authorise the Chief Executive Officer to issue statutory notices and orders under relevant statutes, and to approve legal action against any alleged offender of an Act, regulation or local law that the Council is expected to enforce. This includes representing the Council in legal proceedings under Section 9.29 of the *Local Government Act 1995*.

Infringements

Where an infringement notice has been issued under any statutory mechanism applicable to the Shire of Manjimup, any appeal shall be forwarded to the Appeals Committee prior to being determined by the Chief Executive Officer. The Chief Executive Officer may at his discretion refer any such appeal to Council for determination.

Crown Land

That due to the potential burden and cost placed on the community for the need for Council carrying out statutory functions on Crown Land, (from which it receives no rateable income), there is a clear presumption that Council will not take action in relation to the Health Act, Dog Act, Litter Act, Off Road Vehicles Act or other relevant Acts in relation to activities occurring on land other than that which is vested in Council or under Council's control. (eg. National Park, State Forest, Crown Reserve, etc).

Council will however endeavour to take action and administer these requirements in urban areas particularly where Crown Land is subject to leasing arrangements to third parties, i.e.: Department of Communities (Housing) tenancies.

**Administration**

The administration of this Policy is by the Office of the Chief Executive Officer.

**ADOPTED 25 JULY 2002**  
**REVIEWED 7 DECEMBER 2023**  
**NEXT DUE FOR REVIEW DECEMBER 2027**

**The Administration of this Policy is by the Office of CEO**