



Instrument of Delegation

Reference Number	Act Reference	Delegate	Delegation Subject
BA1	S127 of Building Act 2011 S96 of Building Act 2011	Chief Executive Officer	Powers of the Local Government pursuant to the Building Act 2011 Power to appoint a local government employee as an <i>Authorised Person</i>

Delegator

Council.

Power/Duty

To undertake the powers of the local government pursuant to the Building Act 2011.

Conditions

Nil.

Statutory Framework

Council is exercising its power of delegation under section 127 of the *Building Act 2011* and the delegation of Authorised persons pursuant to section 96(3) of the *Building Act 2011*.

127. Delegation: special permit authorities and local governments

- (1) ~~A SPECIAL PERMIT AUTHORITY OR A LOCAL GOVERNMENT MAY DELEGATE ANY OF ITS POWERS OR DUTIES AS A PERMIT AUTHORITY UNDER ANOTHER PROVISION OF THIS ACT.~~ Special Permit Authority or a Local Government may delegate any of its powers or duties as a Permit Authority under another provision of this Act.
- (3) A delegation of a local government’s powers or duties may be only to a local government employee.
- (6A) The CEO of a local government may delegate to any other local government employee a power or duty of the local government that has been delegated to the CEO under this section but in the case of such a power or duty —
 - (a) the CEO’s power under this subsection to delegate the exercise of that power or the discharge of that duty; and
 - (b) the exercise of that power or the discharge of that duty by the CEO’s delegate,
 are subject to any conditions, qualifications, limitations or exceptions imposed by the local government on its delegation to the CEO.

~~96 – Authorised persons~~

~~(3) — A local government may, by instrument in writing, designate a person employed by the local government under the Local Government Act 1995 section 5.36, as an authorised person for the purposes of this Act in relation to buildings and incidental structures located, or proposed to be located, in the district of the local government.~~

Verification

Recent Council Resolution
C1409/235

Initial Council Resolution
C1110/334

Review Requirements

At Council's discretion as necessary (no statutory requirement).

Notes of Recent Alterations

Removal of specific reference to section 96 of the Act for the purpose of not creating confusion in terms of whether the CEO can exercise and/or sub-delegate the other powers necessary for the City to meet its obligations to administer the Act (25 July 2018)