INSTRUMENT OF DELEGATION

INSTRUMENT OF DELEGATION UNDER THE ENVIRONMENT PROTECTION ACT 1993

20 JULY 2026

Delegation Sources

- Environment Protection Act 1993

Positions

Abbreviation	Position	Name
CEO	Chief Executive Officer	Ross McNeil
DIO	Director Infrastructure & Operations	Geoff Van Mierlo
MDRS	Manager Development & Regulatory Services	Gabby Swearse
Not Sub Delegated	Not Sub-Delegated	

Instrument of Delegation under the Environment Protection Act 1993

Environment Protection Act 1993				
Provision	**Power and Functions Delegated**	**Delegate**	**Conditions and Limitations**	**Capacity of Council**
section 14(c)	Approve the use by the Environment Protection Authority of the services of council officers or employees	CEO, DIO		council
section 18A(2)	Request the Minister to declare the council as an administering agency under the Environment Protection Act	CEO, DIO		council
section 18A(3)	Participate in consultation with the Minister as to whether the council will cease to be an administering agency under the Environment Protection Act	CEO, DIO		council
section 18A(3)	Request the Minister to declare that the council will cease to be an administering agency under the Environment Protection Act	CEO, DIO		council
section 18B(1)	Administering and enforcing the Environment Protection Act in the council area	CEO, DIO		administering agency
section 18C(1)	Delegate a function conferred on the administering agency under Division 1A, Part 3	CEO, DIO		administering agency
section 18D	Report to the Environment Protection Authority on performance of functions under	CEO, DIO		administering agency

Environment Protection Act 1993				
Provision	**Power and Functions Delegated**	**Delegate**	**Conditions and Limitations**	**Capacity of Council**
	Division 1A, Part 3			
section 59(1)	Enter into an environment performance agreement with the Minister	CEO, DIO		public authority
section 59(4)	Approve provision for the remission of rates or taxed payable to the council in an environment performance agreement	CEO, DIO		council
section 85(3)	Appoint authorised officers	CEO, DIO		council
section 85(4)	Impose conditions on the appointment of an authorised officer	CEO, DIO		council
section 85(5)	Revoke the appointment of an authorised officer	CEO, DIO		council
section 85(5)	Vary or revoke the conditions applying to the appointment of an authorised officer	CEO, DIO		council
section 87(8)(b)	Agree with another council that an authorised officer may exercise power in the other council's area	CEO, Not Sub Delegate d		council
section 87(9)	Make good any damage caused by an authorised officer exercising powers under section	CEO, MDRS, DIO		council

Environment Protection Act 1993				
Provision	**Power and Functions Delegated**	**Delegate**	**Conditions and Limitations**	**Capacity of Council**
	87			
section 93(1)	Issue an environment protection order	CEO, Not Sub Delegated		administering agency
section 93(2a)	Provide notice to the authority under the Natural Resource Management Act 2004	CEO, Not Sub Delegated		administering agency
section 93(5)	Confirm an emergency environment protection order by issuing and serving a written environment protection order	CEO, Not Sub Delegated		administering agency
section 93(7)	Revoke or vary an environment protection order	CEO, Not Sub Delegated		administering agency
section 94(1)	Apply to the Registrar General for registration of an environment protection order as a charge on land	CEO, Not Sub Delegated		administering agency
section 94(4a)	Notify the owners and occupiers of land to which a charge has been registered by the Registrar General of the charge and obligations of the owners and occupiers	CEO, Not Sub Delegated		administering agency

Environment Protection Act 1993				
Provision	**Power and Functions Delegated**	**Delegate**	**Conditions and Limitations**	**Capacity of Council**
section 94(6)	Apply to the Registrar General to cancel the registration of an environment protection order as a charge on land	CEO, Not Sub Delegated		administering agency
section 95(1)	Take action required by an environment protection order which has not been undertaken by the recipient of that order	CEO, Not Sub Delegated		administering agency
section 95(2)	Authorise a person to take action on behalf of the council under section 95(1)	CEO, Not Sub Delegated		administering agency
section 95(3)(a)	Issue an instrument of authority to a person authorised under section 95(2) who is not an authorised officer	CEO, Not Sub Delegated		administering agency
section 95(4)	Recover the reasonable costs and expenses incurred by the council taking action under section 95 as a debt from the person who failed to comply with the environment protection order	CEO, Not Sub Delegated		administering agency
section 95(4a)	Recover from the person to whom an environment protection order was issued an amount prescribed by regulation as being recoverable in respect to the registration of an order as a charge on land or the cancellation of such registration	CEO, Not Sub Delegated		administering agency

Environment Protection Act 1993				
Provision	**Power and Functions Delegated**	**Delegate**	**Conditions and Limitations**	**Capacity of Council**
section 95(5)(a)	Fix a period by notice within which an amount recoverable by the council under section 95 must be paid	CEO, Not Sub Delegated		administering agency
section 96(1)	Issue an information discovery order	CEO, Not Sub Delegated		administering agency
section 96(4)	Vary or revoke an information discovery order	CEO, Not Sub Delegated		administering agency
section 97(1)	Take action to obtain information required by an information discovery order or a condition of an environment authorisation if person to whom order was issued or condition applies fails to do so	CEO, Not Sub Delegated		administering agency
section 97(2)	Authorise a person to take action on behalf of the council under section 97(1)	CEO, Not Sub Delegated		administering agency
section 97(3)(a)	Issue an instrument of authority to a person authorised under section 97(2) who is not an authorised officer	CEO, Not Sub Delegated		administering agency
section	Recover the reasonable costs and expenses incurred by the	CEO, Not Sub		administering agency

Environment Protection Act 1993				
Provision	**Power and Functions Delegated**	**Delegate**	**Conditions and Limitations**	**Capacity of Council**
97(4)	council taking action under section 97 as a debt from the person who failed to provide the information	Delegated		
section 99(1)	Issue a clean-up order	CEO, Not Sub Delegated		administering agency
section 99(2a)	Give notice to the relevant authority under the Natural Resources Management Act 2004 of proposed issuing or variation of a clean-up order	CEO, Not Sub Delegated		administering agency
section 99(5)	Confirm an emergency clean-up order by issuing a written clean-up order	CEO, Not Sub Delegated		administering agency
section 99(7)	Vary or revoke a clean-up order	CEO, Not Sub Delegated		administering agency
section 101(1)	Apply to the Registrar General for registration of a clean-up order as a charge on land	CEO, Not Sub Delegated		administering agency
section 101(5a)	Notify the owners and occupiers of land to which a charge has been registered by the Registrar General of the charge and	CEO, Not Sub Delegated		administering agency

Environment Protection Act 1993				
Provision	**Power and Functions Delegated**	**Delegate**	**Conditions and Limitations**	**Capacity of Council**
	obligations of the owners and occupiers			
section 101(8)	Apply to the Registrar General to cancel the registration of an environment protection order as a charge on land	CEO, MDRS, DIO		administering agency
section 102(1)	Take action required by a clean-up order if the person to whom the order was issued fails to do so	CEO, MDRS, DIO		administering agency
section 102(2)	Authorise a person to take action on behalf of the council under section 102(1)	CEO, MDRS, DIO		administering agency
section 102(3)(a)	Issue an instrument of authority to a person authorised under section 102(2)	CEO, MDRS, DIO		administering agency
section 103(1)	Recover reasonable costs and expenses incurred in council taking action on non-compliance with a clean-up order	CEO, MDRS, DIO		administering agency
section 103(2a)	Recover an amount prescribed by regulation in respect of a registration of a clean-up order on land or the cancellation of that registration	CEO, Not Sub Delegated		administering agency
section 103(3)(a)	Fix a period by notice within which an amount recoverable by the council under section 103	CEO, Not Sub Delegate		administering agency

Environment Protection Act 1993				
Provision	**Power and Functions Delegated**	**Delegate**	**Conditions and Limitations**	**Capacity of Council**
	must be paid	d		
section 104(1)(d)	Apply for an order from the Environment, Resources and Development Court against a person who committed a contravention of the Environment Protection Act or a repealed environment law for payment of the reasonable costs and expenses of the council in taking action to prevent or mitigate environmental harm	CEO, MDRS, DIO		public authority
section 104(7)(a)	Apply for an order under section 104	CEO, Not Sub Delegated		administering agency
section 104(7)(b)	Apply for an order under section 104	CEO, MDRS, DIO		council
section 109(3a)	Provide details of actions taken by the council which must be included in the register to the Authority	CEO, Not Sub Delegated		administering agency
section 116(a)	Waive the payment of the whole or part of a fee or levy or refund the whole or part of a fee or levy	CEO, Not Sub Delegated		administering agency
section 116(b)	Allow the payment a fee or levy by instalments	CEO, Not Sub		administering agency

Environment Protection Act 1993				
Provision	**Power and Functions Delegated**	**Delegate**	**Conditions and Limitations**	**Capacity of Council**
		Delegated		
section 120	Require the verification of information by statutory declaration	CEO, Not Sub Delegated		administering agency
section 120A	Apply to the court for an order that a convicted person pay to the council the reasonable costs and expenses incurred in carrying out an investigation or taking action as a result of a false or misleading report	CEO, Not Sub Delegated		administering agency
section 130	Advise a person who submits a report to the council of the action which the council has taken or proposes to take in respect of the allegation	CEO, Not Sub Delegated		administering agency
section 135(1)	Issue a notice requiring a person who has contravened the Environment Protection Act to pay a fee fixed by, or calculated in accordance with, the regulations or the reasonable costs and expenses incurred by the council in taking action to ensure that the person has complied with requirements imposed as a consequence of the contravention or in taking sample or conducting tests, examination or analyses	CEO, Not Sub Delegated		administering agency

Environment Protection Act 1993				
Provision	**Power and Functions Delegated**	**Delegate**	**Conditions and Limitations**	**Capacity of Council**
section 135(2)	Fix the period for payment of an amount under section 135	CEO, Not Sub Delegated		administering agency
section 135(3)(a)	Extend the period for payment of an amount under section 135	CEO, Not Sub Delegated		administering agency
section 135(3)(b)	Waive or reduce the amount for payment of an amount under section 135	CEO, Not Sub Delegated		administering agency
section 135(8)	Recover an unpaid amount under section 135 as a debt	CEO, Not Sub Delegated		administering agency
section 138(1)	Exercise the powers of a mortgagee under the Real Property Act 1886 in regard to a default on the payment of money secured by the mortgage in the event that there is a default in the payment of an amount subject to a charge on land in favour of the council	CEO, Not Sub Delegated		administering agency
section 139(1)(a)	Execute a certificate certifying as to a matter relating to an environmental authorisation of other authorisation under the Environment Protection Act	CEO, Not Sub Delegated		administering agency

Environment Protection Act 1993				
Provision	**Power and Functions Delegated**	**Delegate**	**Conditions and Limitations**	**Capacity of Council**
section 139(1)(b)	Execute a certificate certifying as to a matter relating to the appointment of non-appointment of a person as an authorised officer or analyst or otherwise under the Environment Protection Act	CEO, Not Sub Delegated		administering agency
section 139(1)(c)	Execute a certificate certifying as to a matter relating to a delegation or authority under the Environment Protection Act	CEO, Not Sub Delegated		administering agency
section 139(1)(d)	Execute a certificate certifying as to a matter relating to a notice, order, requirement or direction under the Environment Protection Act	CEO, Not Sub Delegated		administering agency
section 139(1)(e)	Execute a certificate certifying as to a matter relating to any other decision of the council	CEO, Not Sub Delegated		administering agency
section 139(1)(f)	Execute a certificate certifying as to a matter relating to the receipt or non-receipt of a notification or information required to be given to the Environment Protection Authority or Minister under the Environment Protection Act	CEO, Not Sub Delegated		administering agency
section 139(2)	Execute a certificate detailing the costs and expenses incurred by the council and the purpose for	CEO, MDRS, DIO		public authority

Environment Protection Act 1993				
Provision	**Power and Functions Delegated**	**Delegate**	**Conditions and Limitations**	**Capacity of Council**
	which the costs and expenses were incurred			
section 140(3a)(b)	Certify a code, standard or other document for the purposes of legal proceedings	CEO, Not Sub Delegated		administering agency