



Sub-delegations under the Expiation of Offences Act 1996

26 August 2016

INSTRUMENT OF SUBDELEGATION

On the 25th day of March 2014 the City of Holdfast Bay("the Council") delegated certain powers and functions under the following Acts:

- Expiation Of Offences Act 1996

to the person holding the position of Chief Executive Officer (the "Head Delegation") subject to the terms and conditions specified in the relevant resolution(s) or in the Schedule of Conditions (if any) in the Head Delegation.

The powers and functions so delegated are set out in Attachment 6 to Report No: 92/14.

In exercise of the powers under Section 101 of the Local Government Act 1999 I, as Chief Executive Officer hereby:

- revoke all previous sub-delegations to the positions indicated below;
- sub-delegate such of those powers and functions identified in the Head Delegation as are specified below to the person holding the positions specified below, on the terms and conditions specified below.

The sub-delegated powers and functions may be exercised individually by each sub-delegate in respect of any particular matter where the sub-delegate is required or proposing to act in the course of their duties.

Signature

Ian Walker
ACTING CHIEF EXECUTIVE OFFICER

Date

CONDITIONS OF SUBDELEGATIONS MADE BY THE CHIEF EXECUTIVE OFFICER

Conditions applying to all sub delegations

Nil

Other Conditions

Nil

Instruments

- INSTRUMENT OF DELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996

Delegation Sources

- Expiation of Offences Act 1996

Titles

- Chief Executive Officer: Chief Executive Officer - Justin Lynch
- Manager Development Services: Manager Development Services - Anthony Marroncelli
- Manager Regulatory Services: Manager Regulatory Services - Ken O'Neill
- General Manager City Assets and Services: General Manager City Assets and Services - Steve Hodge
- General Inspector: General Inspector -

INSTRUMENT OF DELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996

Expiation of Offences Act 1996				
#	Item Delegated	Conditions and Limitations	Delegate	Date
82010	<p>1. Certain Offences may be Expiated</p> <p>1.1 The power pursuant to Section 5(1) of the Expiation of Offences Act 1996 ("the Act") to issue an expiation notice under the Act to a person alleged to have committed an offence under an Act, regulation or by-law, and the alleged offence may accordingly be expiated in accordance with the Act.</p>		<p>Manager Development Services, Manager Regulatory Services, General Manager City Assets and Services, General Inspector</p>	
82011	<p>2. Expiation Notices</p> <p>2.1 The power pursuant to Section 6(3)(b)(ii) of the Act to authorise a person in writing to give an expiation notice for an alleged offence.</p>		<p>Chief Executive Officer</p>	
82012	<p>3. Review of Notices on Ground that Offence is Trifling</p> <p>3.1 The power pursuant to Section 8A(2) and (3) of the Act to require an alleged offender who is seeking a review of the notice on the ground that the offence is trifling:</p> <p>3.1.1 to provide further information; and</p> <p>3.1.2 to provide a statutory declaration verifying the information contained in, or supporting, an application for review.</p>		<p>Manager Development Services, Manager Regulatory Services, General Manager City Assets and Services,</p>	

Expiation of Offences Act 1996				
			General Inspector	
82013	<p>3. Review of Notices on Ground that Offence is Trifling</p> <p>3.2 The duty pursuant to Section 8A(4) of the Act to determine an application for review before issuing a certificate for an enforcement determination in respect of the offence to which the application relates.</p>		Manager Development Services, Manager Regulatory Services, General Manager City Assets and Services, General Inspector	
82014	<p>3. Review of Notices on Ground that Offence is Trifling</p> <p>3.3 The duty pursuant and subject to Section 8A(5) and (6) of the Act upon being satisfied the offence is trifling to withdraw the expiation notice in respect of the offence by giving written notice to the alleged offender.</p>		Manager Development Services, Manager Regulatory Services, General Manager City Assets and Services, General Inspector	
82024	<p>3A. Arrangements as to Manner and Time of Payment</p> <p>3A.1 The power pursuant to Section 9(2) of the Act to agree with the Fines Enforcement and Recovery Officer the manner in which the Fines Enforcement Recovery Officer must give the Council notice of any arrangement entered into under Section 9 of the Act.</p>		Manager Development Services, Manager	

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			Regulatory Services, General Manager City Assets and Services, General Inspector	
82025	<p>3A. Arrangements as to Manner and Time of Payment</p> <p>3A.2 The power pursuant to Section 9(12) of the Act, if an arrangement terminates under Section (9), (10) or (11) of the Act, to agree with the Fines Enforcement and Recovery Officer the manner in which the Fines Enforcement and Recovery Officer must give the Council notice of the termination and the amount then outstanding (taking into account, where the arrangement required the performance of community service, the number of hours of community service so performed).</p>		Manager Development Services, Manager Regulatory Services, General Manager City Assets and Services, General Inspector	
82015	<p>4. Expiation Reminder Notices</p> <p>4.1 The duty pursuant to Section 11 of the Act where an alleged offender has neither paid the expiation fee nor entered into an arrangement under Section 9 of the Act and the Council has not received a statutory declaration or other document sent to the Council by the alleged offender in accordance with a notice required by law to accompany the expiation notice, by the end of the expiation period, and before the Delegate takes any action under this Act to enforce the expiation notice, to send an expiation reminder notice in the prescribed form to the alleged offender before any action is taken under the Act to enforce the expiation notice.</p>		Manager Development Services, Manager Regulatory Services, General Manager City Assets and Services,	

Expiation of Offences Act 1996				
			General Inspector	
82016	<p>5. Expiation Enforcement Warning Notices</p> <p>5.1 The duty pursuant to Section 11A of the Act where the Council has received a statutory declaration or other document sent to the Council by the alleged offender in accordance with a notice required by law to accompany the expiation notice or expiation reminder notice, and before the Delegate takes action under this Act to enforce the expiation notice, to send an expiation enforcement warning notice, in the prescribed form, to the alleged offender by post.</p>		<p>Manager Development Services, Manager Regulatory Services, General Manager City Assets and Services</p>	
82017	<p>6. Late Payment</p> <p>6.1 The power pursuant to Section 12 of the Act to accept late payment of the amount due under an expiation notice at any time before an enforcement determination is made under Section 13 of the Act.</p>		<p>Manager Development Services, Manager Regulatory Services, General Manager City Assets and Services</p>	
82018	<p>7. Enforcement Procedures</p> <p>7.1 The power pursuant to Section 13(1) of the Act to enforce an expiation notice against an alleged offender by sending to the Fines Enforcement and Recovery Officer:</p> <p>7.1.1 a certificate that contains the particulars determined by the Fines Enforcement and Recovery Officer relating to:</p> <p>7.1.1.1 the alleged offender; and</p>		<p>Manager Development Services, Manager Regulatory Services, General Manager City</p>	

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	<p>7.1.1.2 the offence or offences that remain unexpiated; and</p> <p>7.1.1.3 the amount due under the notice; and</p> <p>7.1.1.4 compliance by the Council as the authority with the requirements of the Act and any other Act;</p> <p>7.1.2 the prescribed fee.</p>		Assets and Services	
82026	<p>7. Enforcement Determinations</p> <p>7.2 The power pursuant to Section 13(4) of the Act to apply to the Fines Enforcement and Recovery Officer under and in accordance with Section 13 of the Act within 30 days of notice of an enforcement determination being given, sent or published in accordance with Section 13 of the Act for the enforcement determination to be revoked.</p>		Manager Development Services, Manager Regulatory Services, General Manager City Assets and Services	
82019	<p>8. Withdrawal of Expiation Notices</p> <p>8.1 The power pursuant to Section 16(1) of the Act, to withdraw an expiation notice with respect to all or any of the alleged offences to which an expiation notice relates where:</p> <p>8.1.1 in the opinion of the Delegate the alleged offender did not commit the offence or offences, or that the notice should not have been given with respect to the offence or offences;</p> <p>8.1.2 the Council as issuing authority receives a statutory declaration or other document sent to the Council by the alleged offender in accordance with a notice required by law to accompany the expiation notice or expiation reminder notice; or</p> <p>8.1.3 the notice is defective; or</p>		Manager Development Services, Manager Regulatory Services, General Manager City Assets and Services	

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	8.1.4 the Delegate decides that the alleged offender should be prosecuted for the offence or offences.			
82020	8. Withdrawal of Expiation Notices 8.2 The power pursuant to Section 16(5) of the Act, where an expiation notice is withdrawn under subsection (1), to commence prosecution for an offence to which the notice related.		Manager Development Services, Manager Regulatory Services, General Manager City Assets and Services	
82021	8. Withdrawal of Expiation Notices 8.3 The duty pursuant to Section 16(6) of the Act, subject to Section 16(7) of the Act, to withdraw an expiation notice if it becomes apparent that the alleged offender did not receive the notice until after the expiation period, or has never received it, as a result of error on the part of the Council as issuing authority or failure of the postal system.		Manager Development Services, Manager Regulatory Services, General Manager City Assets and Services	
82022	8. Withdrawal of Expiation Notices 8.4 The duty pursuant to Section 16(11) of the Act, where an expiation notice is withdrawn under Section 16 of the Act and the notice of withdrawal does not specify that the notice is withdrawn for the purposes of prosecuting the alleged offender, and if an enforcement determination has been made under Section 13 of the Act, to inform the Fines and Enforcement Recovery Officer of the withdrawal of the notice.		Manager Development Services, Manager Regulatory Services, General Manager City	

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			Assets and Services	
82023	<p>9. Provision of Information</p> <p>9.1 The power pursuant to Section 18 of the Act to enter into an agreement with the Fines Enforcement and Recovery Officer in relation to:</p> <p>9.1.1 the manner in which the Fines Enforcement and Recovery Officer is to provide information to the Council in relation to action taken by the Fines Enforcement and Recovery Officer under the Act in respect of an expiation notice issued by the Council; and</p>		<p>Manager Development Services, Manager Regulatory Services, General Manager City Assets and Services</p>	
82027	<p>9. Provision of Information</p> <p>9.1 The power pursuant to Section 18 of the Act to enter into an agreement with the Fines Enforcement and Recovery Officer in relation to:</p> <p>9.1.2 the manner in which the Council is to provide information to the Fines Enforcement and Recovery Officer in relation to the issuing of an expiation notice by the Council or any other action taken by the Council in respect of an expiation notice so issued.</p>		<p>Manager Development Services, Manager Regulatory Services, General Manager City Assets and Services</p>	