



Sub-delegations under the Instrument of Delegation under the Housing Improvement Act 1940

6 September 2016

INSTRUMENT OF SUBDELEGATION

On the 22nd day of April 2014 the City of Holdfast Bay("the Council") delegated certain powers and functions under the following Acts:

- Instrument of Delegation Under the Housing Improvement Act 1940

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 the Attachments to Report No: 106/14

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

POWERS AND FUNCTIONS SUBDELEGATED IN THIS INSTRUMENT

- **Instruments**
- INSTRUMENT OF DELEGATION UNDER THE HOUSING IMPROVEMENT ACT 1940

- **Delegation Sources**
- Housing Improvement Act 1940

- **Titles**
- Chief Executive Officer: Chief Executive Officer - Justin Lynch
- Environmental Health Officer : Environmental Health Officer -
- General Manager City Assets and Services: General Manager City Assets and Services - Steve Hodge
- Manager Regulatory Services: Manager Regulatory Services - Ken O'Neill

• INSTRUMENT OF DELEGATION UNDER THE HOUSING IMPROVEMENT ACT 1940

Housing Improvement Act 1940				
#	Item Delegated	Conditions and Limitations	Delegate	Date
81532	<p>1. Power to Declare Houses Unfit for Habitation</p> <p>1.1 The power pursuant to Section 23(1) of the Housing Improvement Act 1940 ("the Act"):</p> <p>1.1.1 to make due inquiries and obtain such reports as the Delegate deems necessary to be satisfied that any house is undesirable for human habitation or is unfit for human habitation;</p> <p>1.1.2 to declare that the house -</p> <p>1.1.2.1 is undesirable for human habitation; or</p> <p>1.1.2.2 is unfit for human habitation.</p>		<p>Manager Regulatory Services, Environmental Health Officer , General Manager City Assets and Services</p>	
81533	<p>1. Power to Declare Houses Unfit for Habitation</p> <p>1.2 The duty pursuant to Section 23(2) of the Act where any house has been declared undesirable or unfit for human habitation -</p> <p>1.2.1 to serve on the owner of the house a declaration together with a written statement setting out particulars of the deficiencies and directing the owner, within a specified time (being not less than one month after the service of the declaration) -</p> <p>1.2.1.1 to carry out such work in respect of the house (including, if so directed, partial demolition) as is directed in the notice; or</p> <p>1.2.1.2 if the Delegate is of the opinion that it is impracticable to make the house desirable or fit for human habitation, to demolish the house; and</p>		<p>Manager Regulatory Services, Environmental Health Officer , General Manager City Assets and Services</p>	

Housing Improvement Act 1940				
	1.2.2 to serve a copy of the declaration, statement and direction on any occupier of the house and on every registered mortgagee of the land on which the house is situated; and			
81534	<p>1. Power to Declare Houses Unfit for Habitation</p> <p>1.3 The power pursuant to Section 23(2) of the Act where any house has been declared undesirable or unfit for human habitation -</p> <p>1.3.1 if the direction is to demolish, to serve on the occupier (if any) a written notice requiring the occupier to vacate the house within a specified period being not less than one month after service; and</p> <p>1.3.2 where the direction requires any work to be carried out in respect of the house, to serve on any occupier (if any) a written notice to vacate the house within a specified period being not less than one month after service, unless the house is, to the satisfaction of the Delegate, made to comply with the directions given by the Delegate before the expiration of the specified period.</p>		<p>Manager Regulatory Services, General Manager City Assets and Services</p>	
81535	<p>1. Power to Declare Houses Unfit for Habitation</p> <p>1.4 The power pursuant to Section 23(3) of the Act to certify in writing that the house that has been declared undesirable for human habitation or unfit for human habitation complies with the direction given by the Delegate and in the time specified in the direction under Section 23(2)(c) or (d).</p>		<p>Manager Regulatory Services, General Manager City Assets and Services</p>	
81536	<p>1. Power to Declare Houses Unfit for Habitation</p> <p>1.5 The power pursuant to Section 23(5) of the Act where an owner fails to comply with any direction under Section 23 within the time specified in the direction -</p> <p>1.5.1 to do anything that is necessary to make the house comply with the direction or demolish the house;</p>		<p>General Manager City Assets and Services</p>	

Housing Improvement Act 1940				
	1.5.2 to recover any expenses incurred from the owner of the house;			
	1.5.3 to sell or dispose of any material taken from the house;			
81537	1. Power to Declare Houses Unfit for Habitation 1.6 The duty pursuant to Section 23(5)(d) of the Act to apply the proceeds of any sale for or towards the expenses incurred by the Council and pay any surplus (if any) in discharge of the mortgage or encumbrance of any registered mortgagee of the land in accordance with their respective priorities and to pay any remaining balance to the owner.		General Manager City Assets and Services	
81538	2. Power of Housing Authority 2.1 The power pursuant to Section 25(1) of the Act to consult with the Housing Authority and the duty pursuant to Section 25(1) of the Act, if required by the Housing Authority by notice in writing, within the time specified in the notice, to make a declaration pursuant to Section 23 of the Act with respect to the house in the form required by the Housing Authority and to give any direction or notice or otherwise exercise any power under Section 23 in the manner required by the Housing Authority.		Manager Regulatory Services, General Manager City Assets and Services	
81539	3. Power to Declare Clearance Area 3.1 The power pursuant to Section 33(3)(a)(i) of the Act to consult with the Housing Authority where the Housing Authority is intending to submit a recommendation to the Governor under Section 33 of the Act; and		Chief Executive Officer	
81540	3. Power to Declare Clearance Area 3.2 The power pursuant to Section 33(b) to make any objections to the Housing Authority, in relation to such recommendation.		Chief Executive Officer	
81541	4. Dispossession of occupiers failing to vacate premises when required to do so 4.1 The power pursuant to Section 71 of the Act, where any person, after he has been required under the Act by the Council to vacate a house or building, and the person refuses or neglects to vacate the same, to apply and to authorise a person to apply upon a complaint to be laid by him, in the form set out in Schedule 1 to the Act or to the like effect, to any justice, for the justice to issue a summons in the form set		General Manager City Assets and Services	

Housing Improvement Act 1940

	out in Schedule 2 to the Act or to the like effect calling upon the occupier of such house or building to appear at a time and place to be therein specified before a court of Summary Jurisdiction consisting of a special magistrate, sitting without any other justice or justices, which court may hear and determine the matter of the complaint in a summary way in the absence of the occupier or otherwise.			
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