

INSTRUMENT OF DELEGATION

INSTRUMENT OF DELEGATION UNDER THE LOCAL NUISANCE AND LITTER CONTROL ACT 2016

14 NOVEMBER 2023

Delegation Sources

- Local Nuisance and Litter Control Act 2016

Positions

Abbreviation	Position
CEO	Chief Executive Officer
CO	Compliance Officer
DIES	Director Infrastructure & Environmental Services
GI	General Inspector
MRS	Manager Regulatory Services
PC	Planning Consultant

Instrument of Delegation under the Local Nuisance and Litter Control Act 2016

Local Nuisance and Litter Control Act 2016				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 7(2)(a)	Take action to manage local nuisance and littering within the council area	CEO, DIES, GI, CO, MRS		council
section 7(2)(b)	Cooperate with any other person or body in the administration of the Act	CEO, DIES, GI, CO, MRS		council
section 7(2)(c)	Provide, or support the provision of, educational information within the council areas to help detect, prevent and manage local nuisance and littering	CEO, DIES, GI, CO, MRS		council
section 8	Include in the council's annual report details of the performance of the council during the year of functions conferred on it under the Act	CEO, DIES, GI, CO, MRS		council

Local Nuisance and Litter Control Act 2016				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 12(3)	Appoint authorised officers	CEO		council
section 12(4)(a)	Determine conditions to apply to the appointment of authorised officers	CEO		council
section 12(6)	Revoke the appointment of an authorised officer	CEO		council
section 12(6)	Vary or revoke a condition applying to the appointment of an authorised officer or impose a further condition	CEO		council
section 13(2)	Issue an identity card to an authorised officer	CEO		council
section 15(a)	Agree in writing that an authorised officer appointed by another council may exercise powers under the Act in the council area	CEO		council

Local Nuisance and Litter Control Act 2016				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 16(1)(a)	Hold a substance, material or thing seized under Division 3, Part 3 of the Act pending proceedings	CEO, DIES, GI, CO, MRS		council
section 16(1)(a)	Authorise the release of a substance, material or thing seized under Division 3, Part 3 of the Act	CEO, DIES, GI, CO, MRS		council
section 16(1)(d)	Receive a substance, material or thing forfeited pursuant to a court order	CEO, DIES, GI, CO, MRS		council
section 16(1)(e)(i)	Request the person entitled to recover a substance, material or thing to collect the substance, material or thing	CEO, DIES, GI, CO, MRS		council
section 16(1)(e)(ii)	Make reasonable attempts to locate the person entitled to recover a substance, material or thing to collect the substance, material or thing	CEO, DIES, GI, CO, MRS		council

Local Nuisance and Litter Control Act 2016				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 16(1)(f)	Dispose of any substance, material or things forfeited to the council under section 16	CEO, DIES, GI, CO, MRS		council
section 19(1)	Declare a person to be exempt from the application of section 18	CEO, DIES, GI, CO, MRS		council
section 19(2)	Receive an application for an exemption under section 19	CEO, DIES, GI, CO, MRS		council
section 19(2)(b)	Specify any information the council requires to be provided with an application under section 19	CEO, DIES, GI, CO, MRS		council
section 19(4)	Determine conditions to apply to a declaration under section 19	CEO, DIES, GI, CO, MRS		council

Local Nuisance and Litter Control Act 2016				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 19(5)	Vary or revoke a declaration under section 19	CEO, DIES, GI, CO, MRS		council
section 19(6)	Specify a date of expiry in a declaration under section 19	CEO, DIES, GI, CO, MRS		council
section 19(7)	Publish a declaration under section 19 or any variations to a declaration on a website determined by the council	CEO, DIES, GI, CO, MRS		council
section 22(3)(a)(i)	Provide a bin or other receptacle for litter of a particular kind	CEO, DIES		council
section 22(3)(a)(ii)	Approve or authorise the disposal of litter in a manner other than in a bin or receptacle provided by the council	CEO, DIES		council
section 25(1)	Receive a citizen's notification from a person who reasonably suspects another person has committed an offence under Division 2, Part 4 of the Act	CEO, DIES, GI, CO, MRS		council

Local Nuisance and Litter Control Act 2016				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 26(3)	Issue a notice to the owner of a vehicle for an alleged offence	CEO, DIES, GI, CO, MRS		council
section 29	Notify the Environment Protection Authority of a belief that an offence committed under section 18 of section 22 has, or may have, resulted in material environmental harm or serious environmental harm	CEO, DIES, GI, CO, MRS, PC		council
section 30(1)(a)	Issue a nuisance abatement notice	CEO, DIES, GI, CO, MRS, PC		council
section 30(1)(b)	Issue a litter abatement notice	CEO, DIES, GI, CO, MRS, PC		council
section 30(7)	Issue and serve a notice confirming an emergency notice	CEO, DIES, GI, CO, MRS, PC		council

Local Nuisance and Litter Control Act 2016				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 30(8)	Vary or revoke a notice issued under section 30	CEO, DIES, GI, CO, MRS, PC		council
section 31(1)	Take action required by a nuisance abatement notice or a litter abatement notice if the requirements of the notice has not been fulfilled	CEO, DIES, GI, CO, MRS		council
section 31(2)	Authorise a person to take action on behalf of the council if the requirements of a nuisance abatement notice or a litter abatement notice have not been fulfilled	CEO, DIES, GI, CO, MRS		council
section 31(3)(a)	Issue an instrument of authority to a person other than an authorised officer taking action on behalf of the council under section 31(1)	CEO, DIES, GI, CO, MRS		council
section 31(5)	Recover the reasonable costs and expenses incurred in taking action under section 31	CEO, DIES, GI, CO, MRS		council

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 31(6)	Fix a period within which an amount under section 31(5) must be paid to the council	CEO, DIES, GI, CO, MRS		council
section 32(4)	Participate as a party to any proceedings under section 32	CEO, DIES, MRS		council
section 33(6)(a)	Make an application to the Environment, Resources and Development Court for an order under section 33(1)	CEO, DIES, MRS		council
section 33(8)(a)	Serve a copy of an application under section 33 on the Minister	CEO, DIES, MRS		council
section 33(9)(b)	Apply to the Environment, Resources and Development Court to join proceedings for an order under section 33(1) commenced by another person	CEO, DIES, MRS		council
section 33(14)	Apply to the Environment, Resources and Development Court for an interim order under section 33	CEO, DIES, MRS		council

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 33(19)	Apply to the Environment, Resources and Development Court to vary or revoke an order under section 33	CEO, DIES		council
section 34(1)	Agree with a person who the council is satisfied has contravened the Act a civil penalty in respect of the contravention	CEO, DIES, MRS		council
section 34(1)	Apply to the Environment, Resources and Development Court for an order for a civil penalty in respect of a contravention of the Act	CEO, DIES, MRS		council
section 34(3)(a)	Serve a notice on a person who the council is satisfied has contravened the Act advising the person that they may elect to be prosecuted for the contravention	CEO, DIES, MRS		council
section 40	Require a person required by or under the Act to provide information to the council to verify the information by statutory declaration	CEO, DIES, GI, CO, MRS, PC		council
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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 43(1)(d)	Commence proceedings for an offence against the Act	CEO, DIES		council
section 48(1)	Serve notice on a person who has contravened the Act requiring the person to pay the reasonable costs of the council taking prescribed action under the Act	CEO, DIES		council
section 48(3)(a)	Extend the time for payment of an amount payable under a notice under section 48(1)	CEO, DIES, MRS		council
section 48(3)(b)	Waive or reduce payment of an amount payable under a notice under section 48(1)	CEO, DIES		council
section 48(6)	Recover an amount payable under a notice under section 48(1) which is unpaid as a debt	CEO, DIES, MRS		council
section 50(4)	Execute a certificate regarding the appointment or non-appointment of a person as an authorised officer; a delegation or authority under the Act; a notice, requirement or direction of the council; any other decision of the council; receipt or non-receipt of a notification, report or information	CEO, DIES		council

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section 50(5)	Execute a certificate detailing costs and expenses and the purpose for which they were incurred for the purposes of proceedings to recover the reasonable costs of the council	CEO, DIES, MRS		council
section 51(9)	Participate in consultation with the Minister in regard to proposed regulations	CEO, DIES		council

Document history and version control

Date	Council/Chief Executive Officer	Comment
14/11/23	Reviewed & adopted at 14 November 2023 Special Council meeting	