

INSTRUMENT OF DELEGATION

INSTRUMENT OF DELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996

14 NOVEMBER 2023

Delegation Sources

- Expiation of Offences Act 1996

Positions

Abbreviation	Position
CEO	Chief Executive Officer
CO	Compliance Officer
CBS	Consultant Building Services
DCCS	Director Corporate & Community Services
DIES	Director Infrastructure & Environmental Services
EHO	Environmental Health Officer
GI	General Inspector
MRSBS	Manager Regulatory Services/Building Surveyor

Abbreviation	Position
PC	Planning Consultant
PP	Principal Planner

Instrument of Delegation under the Expiation of Offences Act 1996

Expiation of Offences Act 1996				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 5(1)	Give an expiation notice to an alleged offender	CEO, PP, DCCS, DIES, GI, CO, EHO, MRSBS, PC, CBS		issuing authority
section 5(3)(a)	Provide that an offence against a regulation or by-law for which the Council may impose a penalty may be expiated	CEO, PP, DCCS, DIES, GI, CO, EHO, MRSBS, PC, CBS		issuing authority
section 5(3)(b)	Fix an expiation fee for an offence against a regulation or by-law for which the Council may impose a penalty may be expiated	CEO		issuing authority
section 8(1)	Receive notice from alleged offender electing to be prosecuted for an offence	CEO, PP, DCCS, DIES, GI, CO, EHO, MRSBS, PC, CBS		issuing authority

Expiation of Offences Act 1996				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 8A(1)	Receive application from person in receipt of an expiation notice seeking review on grounds that the offence is trifling	CEO, PP, DCCS, DIES, GI, CO, EHO, MRSBS, PC, CBS		issuing authority
section 8A(2)	Require applicant to provide further information	CEO, PP, DCCS, DIES, GI, CO, EHO, MRSBS, PC, CBS		issuing authority
section 8A(3)	Require application to be verified by a statutory declaration	CEO, PP, DCCS, DIES, GI, EHO, MRSBS, PC, CBS		issuing authority
section 8A(4)	Determine application	CEO, PP, DCCS, DIES, GI, CO, EHO, MRSBS, PC, CBS		issuing authority
section 8A(5)	Withdraw expiation notice if satisfied that the offence is trifling	CEO, DIES		issuing authority

Expiation of Offences Act 1996				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 11(1)	Issue an expiation reminder notice to alleged offender	CEO, PP, DCCS, DIES, GI, CO, EHO, MRSBS, PC, CBS		issuing authority
section 11A(1)	Issue an expiation enforcement warning notice	CEO, PP, BS Consultant, DCCS, DIES, GI, CO, EHO, MRSBS, PC		issuing authority
section 11A(2)	Assess acceptability of nomination, statutory declaration or other document provided by alleged offender	CEO		issuing authority
section 12	Accept a later payment of amount due under an expiation notice	CEO, DCCS, DIES		issuing authority
section 16(1)	Withdraw an expiation notice in prescribed circumstances	CEO, DCCS, DIES		issuing authority
section 16(2)	Refund expiation fee or instalment paid if expiation notice is withdrawn	CEO, DCCS, DIES		issuing authority

Expiation of Offences Act 1996				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 16(5)	Prosecute offence following withdrawal of expiation notice	CEO, PP, DCCS, DIES, GI, CO, EHO, MRSBS, CBS		issuing authority
section 16(6)	Withdraw expiation notice if alleged offender has not received notice during expiation period due to error of issuing authority, postal service or email	CEO, DCCS, DIES		issuing authority
section 16(11)	Inform Chief Recovery Officer of the withdrawal of an expiation notice	CEO, DCCS, DIES		issuing authority
section 17(3)	Pay half of expiation fee for offence reported by the police or another officer of the Crown into the Consolidated Account	CEO		issuing authority
section 18(1)	Enter an agreement with the Chief Recovery Officer in relation to the exchange of information	CEO, DCCS, DIES		issuing authority

Document history and version control

Date	Council/Chief Executive Officer	Comment
14/11/2023	Review adopted at 14 November 20223 Special Council meeting	