

Instrument of delegation under the Environment, Resources & Development Court Act 1993

Preamble

Delegation Sources

- Kelliedy Jones Review 2020

Titles

- Director Infrastructure & Environmental Services:- Tim Tol

Instrument of delegation under the Environment, Resources & Development Court Act 1993

Kelley Jones Review 2020			
Provision	Item Delegated	Delegate	Conditions and Limitations
s15(2)(a)	1. The power to request on behalf of the Council that an appeal be heard by the Court constituted as a full bench pursuant to Section 15(2)(a) of the Act.	Director Infrastructure & Environmental Services	
s16	2. The power to represent Council at a conference called pursuant to Section 16 of the Act and to agree to any settlement on behalf of the Council.	Director Infrastructure & Environmental Services	
s16(7)(g)	3. The power pursuant to Section 16(7)(g) of the Act to withdraw from proceedings, and to agree to any consequential order that is appropriate under the circumstances.	Director Infrastructure & Environmental Services	
s17(4)(a)	4. The power pursuant to Section 17(4)(a) of the Act to make application to the Court to: 4.1 dismiss or determine any proceedings that appear: a. to be frivolous or vexatious; or b. to have been instituted or prosecuted for the purpose of delay or obstruction, or for some other improper purpose; 4.2 after hearing the applicant in the proceedings, find in favour of the respondent without hearing the respondent; 4.3 give summary judgement against a party: a. who obstructs or unnecessarily delays the proceedings; or b. who appears to be continuing to participate in the proceedings for the purpose of delay or obstruction, or for some other improper purpose; or c. who fails to attend any proceedings or fails to comply with a regulation, or a rule or order of the Court.	Director Infrastructure & Environmental Services	
s17(4b)	5. The power pursuant to Section 17(4b) to settle costs between parties in accordance with the scale prescribed for the purpose.	Director Infrastructure & Environmental Services	
s21(2)	6. The duty pursuant to Section 31(2) of the Act to send to the Court any application, documents, written submissions, reports, plans, specifications or other documents lodged with, or received by the Council in relation to the matter, and any other relevant	Director Infrastructure &	

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	material requested by the Court.	Environmental Services	
s28B	7. The power pursuant to Section 28B of the Act to consent to mediation to achieve a negotiated settlement of the matter.	Director Infrastructure & Environmental Services	
s28B(6)	8. The power pursuant to Section 28B(6) of the Act to permit evidence of anything said or done in the course of processes to be admissible in proceedings before the Court.	Director Infrastructure & Environmental Services	
s29(2)	9. The power pursuant to Section 29(2) to apply for an adjournment of the hearing of the proceedings if appropriate and necessary.	Director Infrastructure & Environmental Services	
s30(4)	10. The power pursuant to Section 30(4) of the Act to appeal against any judgement given in those proceedings.	Director Infrastructure & Environmental Services	
s43(1)	11. The power pursuant to Section 43(1) of the Act where a judgement or order is made by the Court to make application to the registrar for a certified copy of the judgement or order.	Director Infrastructure & Environmental Services	
s15(2)(a)	1. The power to request on behalf of the Council that an appeal be heard by the Court constituted as a full bench pursuant to Section 15(2)(a) of the Act.	Director Infrastructure & Environmental Services	
s16	2. The power to represent Council at a conference called pursuant to Section 16 of the Act and to agree to any settlement on behalf of the Council.	Director Infrastructure & Environmental Services	

Document history and version control

Date	Council/Chief Executive Officer	Comment
26 May 2020	Annual review adopted at 26 May 2020 Ordinary Council meeting	