

Instrument of Delegation under the Community Titles Act 1996

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

Delegation Sources

- Community Titles Act 1996

Titles

Position	Name
Chief Executive Officer	Tony Siviour
Director Infrastructure & Environmental Services	Tim Tol

Instrument of Delegation under the Community Titles Act 1996

Community Titles Act 1996			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s3(11)	<p>1. Interpretation</p> <p>1.1 The duty pursuant to Section 3(11) of the Community Titles Act 1996 (“the Act”) where the Act requires the scheme description lodged with the Registrar-General to be endorsed by the relevant development authority, and:</p> <p>1.1.1 all the consents or approvals required under the Development Act 1993 in relation to the division of the land (and a change in the use of the land (if any)) in accordance with the scheme description and the plan of community division have been granted; or</p> <p>1.1.2 no consent or approval is required under that Act in relation to the division of the land (or a change in the use of the land),</p> <p>to, as the relevant development authority, endorse a scheme description to the effect of either subsection 3(11)(b)(i) or (ii) of the Act.</p>	Director Infrastructure & Environmental Services	
s14(1)	<p>2. Application</p> <p>2.1 The power pursuant to Section 14(1) of the Act, where the Council is the registered proprietor of an estate in fee simple in:</p> <p>2.1.1 land comprising an allotment or allotments;</p> <p>2.1.2 land comprising a primary lot or a secondary lot, to apply to the Registrar-General for the division of the land by a plan of community division.</p>	Chief Executive Officer	

Community Titles Act 1996			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s15A(b)(i)	<p>3. Application May Deal With Statutory Encumbrances</p> <p>3.1 The power pursuant to Section 15A(b)(i) of the Act, where the Council is the holder of a statutory encumbrance, to sign a certificate certifying that the requirements of the Act under which the encumbrance was entered into, or is in force, as to the variation or termination of the statutory encumbrance (if any) have been complied with.</p>	Director Infrastructure & Environmental Services	
s16(1)(a)	<p>4. Consents to Application</p> <p>4.1 The power pursuant to Section 16(1)(a) of the Act,</p> <p>4.1.1 where the Council is the holder of a registered encumbrance over the land to be divided; or</p> <p>4.1.2 where deposit of the plan in the Lands Titles Registration Office will affect the estate or interest of the Council in land outside the community parcel; or</p> <p>4.1.3 where deposit of the plan in the Lands Titles Registration Office will operate to vest an estate or interest in land (whether within or outside the community parcel) in the Council</p> <p>to consent to the application.</p>	Chief Executive Officer	
s21(4)(a)	<p>5. Application to Amend Schedule of Lot Entitlements</p> <p>5.1 The power pursuant to Section 21(4)(a) of the Act, where the Council is</p> <p>5.1.1 the owner of a community lot at the relevant time but did not have the opportunity of voting against the resolution of the corporation authorising the proposed amendment because the Council was not a member of the corporation when the vote was taken; or</p> <p>5.1.2 a prospective owner at the relevant time of a community lot; or</p>	Chief Executive Officer	

Community Titles Act 1996			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	5.1.3 a registered encumbrancee or prospective encumbrancee at the relevant time of a community lot; or 5.1.4 where the Council is a person referred to in Section 21(5) of the Act, to consent to the proposed amendment.		
s21(5)	5. Application to Amend Schedule of Lot Entitlements 5.2 The power pursuant to Section 21(5) of the Act: 5.2.1 where the corporation is a primary corporation and a primary lot is divided by a secondary plan, and where the Council is: 5.2.1.1 a person who is the owner of a secondary lot at the relevant time but did not have the opportunity of voting against the proposed amendment because the Council was not a member of the secondary corporation when the vote was taken; or 5.2.1.2 a prospective owner at the relevant time of a secondary lot; or 5.2.1.3 a registered encumbrancee or prospective encumbrancee at the relevant time of a secondary lot; or 5.2.2 where the corporation is a primary corporation and a primary lot is divided by a secondary plan and a secondary lot created by that plan is divided by a tertiary plan or where the corporation is a secondary corporation and a secondary lot is divided by a tertiary plan, and where the Council is: 5.2.2.1 a person who is the owner of a tertiary lot at the relevant time but did not have the opportunity of voting against the proposed amendment because the Council was not a member of the tertiary corporation when the vote was taken; or 5.2.2.2 a prospective owner at the relevant time of a tertiary lot; or 5.2.2.3 a registered encumbrancee or prospective encumbrancee at the relevant time of a tertiary lot,	Chief Executive Officer	

Community Titles Act 1996			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	to grant consent.		
s27(1)(b)(i)	<p>6. Encroachments</p> <p>6.1 The power pursuant to Section 27(1)(b)(i) of the Act to consent to the encroachment of a building over land not included in a community parcel where the encroachment is over land vested in, or under the control or management of the Council.</p>	Chief Executive Officer	
s30(4)	<p>7. Scheme Description</p> <p>7.1 The power pursuant to Section 30(4) of the Act as the relevant development authority to require modifications to a scheme description before endorsing the scheme description to:</p> <p>7.1.1 add any information that is necessary or desirable; or</p> <p>7.1.2 clarify any part of the description; or</p> <p>7.1.3 remove any unnecessary detail.</p>	Director Infrastructure & Environmental Services	
s31(3)	<p>8. Scheme Description</p> <p>8.1 The power pursuant to Section 31(3) of the Act as the relevant development authority to endorse a certified copy of an amended scheme description.</p>	Director Infrastructure & Environmental Services	
s32(1)	<p>9. Persons Whose Consents are Required</p> <p>9.1 The power pursuant to Section 32(1) of the Act, where the Council is:</p>	Chief Executive Officer	

Community Titles Act 1996			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	<p>9.1.1 a person who is the owner of a community lot at the relevant time but did not have the opportunity of voting against the resolution of the corporation amending the scheme description because the Council was not then a member of the corporation; or</p> <p>9.1.2 the prospective owner at the relevant time of a community lot;</p> <p>9.1.3 the owner or prospective owner at the relevant time of a development lot;</p> <p>9.1.4 a registered mortgagee or prospective mortgagee and a registered lessee or prospective lessee at the relevant time of a community lot or development lot; or</p> <p>9.1.5 the owner or prospective owner at the relevant time of a development lot in a secondary or tertiary scheme that comprises part of the community scheme to which the scheme description relates; or</p> <p>9.1.6 a person referred to Section 32(2) of the Act,</p> <p>to grant consent.</p>		
s32(2)	<p>9. Persons Whose Consents are Required</p> <p>9.2 The power pursuant to Section 32(2) of the Act:</p> <p>9.2.1 where the corporation is a primary corporation and a primary lot is divided by a secondary plan and the Council is:</p> <p>9.2.1.1 a person who is the owner of a secondary lot at the relevant time but did not have the opportunity of voting against the proposed amendment to the scheme description because the Council was not then a member of the secondary corporation; or</p> <p>9.2.1.2 the prospective owner at the relevant time of a secondary lot; or</p>	Chief Executive Officer	

Community Titles Act 1996			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	<p>9.2.1.3 a registered mortgagee or prospective mortgagee and a registered lessee or prospective lessee at the relevant time of a secondary lot or development lot; or</p> <p>9.2.2 where the corporation is a primary corporation and a primary lot is divided by a secondary plan and a secondary lot created by that plan is divided by a tertiary plan or where the corporation is a secondary corporation and a secondary lot is divided by a tertiary plan and the Council is:</p> <p>9.2.2.1 a person who is the owner of a tertiary lot at the relevant time but did not have the opportunity of voting against the proposed amendment to the scheme description because the Council was not then a member of the tertiary corporation; or</p> <p>9.2.2.2 the prospective owner at the relevant time of a tertiary lot; or</p> <p>9.2.2.3 a registered mortgagee or prospective mortgagee and a registered lessee or prospective lessee at the relevant time of a tertiary lot or development lot,</p> <p>to grant consent.</p>		
s34(6)(e)	<p>9A. By-laws</p> <p>9A.1 The power pursuant to Section 34(6)(e) of the Act, to, within 60 days after service of the notice, apply to the Magistrates Court for revocation of the notice.</p>	Chief Executive Officer	
s34(6)(g)	<p>9A. By-laws</p> <p>9A.2 The power pursuant to Section 34(6)(g) of the Act to withdraw or otherwise discontinue the application for revocation.</p>	Chief Executive Officer	
s36(5)	9B. By-law as to the Exclusive Use of Part of the Common Property	Chief Executive Officer	

Community Titles Act 1996			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	9B.1 The power pursuant to Section 36(5) of the Act to provide written consent to the community corporation to make a by-law under Section 36 of the Act.		
s49(1)	<p>9C. Enforcement of Development Contract</p> <p>9C.1 The power pursuant to Section 49(2) of the Act, where the Council is an owner or occupier of a lot, who is, by virtue of Section 49(1) of the Act, a party to a development contract, to take proceedings for its enforcement (including damages for breach of the contract) in the Magistrates Court against:</p> <p>9C.1.1 the developer; and</p> <p>9C.1.2 if the contract is for the development of a development lot or a community lot – the subsequent owner or owners (if any) of the lot,</p> <p>even though no obligations attach to the corporation, owner and occupier under the contract.</p>	Chief Executive Officer	
s49(2a)	<p>9C. Enforcement of Development Contract</p> <p>9C.2 The power pursuant to Section 49(2a) of the Act to make application to the Magistrates Court to transfer the proceedings to the District Court.</p>	Chief Executive Officer	
s49(2b)	<p>9C. Enforcement of Development Contract</p> <p>9C.3 The power pursuant to Section 49(2b) of the Act to make application to a court to:</p> <p>9C.3.1 transfer an application under Section 49 of the Act to the Supreme Court on the ground that the application raises a matter of general importance; or</p> <p>9C.3.2 state a question of law for the opinion of the Supreme Court.</p>	Chief Executive Officer	

Community Titles Act 1996			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s52(1)(a)(ii)	<p>10. Application for Amendment</p> <p>10.1 The power pursuant to Section 52(1)(a)(ii) of the Act to make an application for the amendment of a deposited community plan, where the Council is the owner of a community lot that will be affected by the amendment.</p>	Chief Executive Officer	
s52(2)(b)	<p>10. Application for Amendment</p> <p>10.2 The power pursuant to Section 52(2)(b) of the Act, if the boundaries of a community lot or a development lot are affected by the amendment or if a community lot or a development lot is extinguished by the amendment, and the Council is:</p> <p>10.2.1 the owner of the lot (not being an applicant in accordance with Section 52(1)(a)(ii) of the Act; or</p> <p>10.2.2 a person who holds a registered encumbrance over the lot,</p> <p>consent to the amendment.</p>	Chief Executive Officer	
s52(2)(c)	<p>10. Application for Amendment</p> <p>10.3 The power pursuant to Section 52(2)(c) of the Act, where amendment of the plan will operate to vest an estate or interest in land in the Council, to consent to the application.</p>	Chief Executive Officer	
s53(2)	<p>11. Status of Application for Amendment of Plan</p> <p>11.1 The power pursuant to Section 53(2) of the Act, where the Council has consented to an application, to consent to an application being withdrawn or amended.</p>	Chief Executive Officer	

Community Titles Act 1996			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s53(3)	<p>11. Status of Application for Amendment of Plan</p> <p>11.2 The power pursuant to Section 53(3) of the Act to amend the application in order to comply with the Act or the Real Property Act 1886 or with a requirement of the Registrar-General under the Act or the Real Property Act 1886.</p>	Chief Executive Officer	
s53A(b)(i)	<p>12. Application May Deal With Statutory Encumbrances</p> <p>12.1 The power pursuant to Section 53A(b)(i) of the Act, where the Council is the holder of a statutory encumbrance, to sign a certificate certifying that the requirements of the Act under which the encumbrance was entered into, or is in force, as to the variation or termination of the statutory encumbrance (if any) have been complied with.</p>	Director Infrastructure & Environmental Services	
s57(2)(b)	<p>13. Alteration of Boundaries of Primary Community Parcel</p> <p>13.1 The power pursuant to Section 57(2)(b) of the Act, if part of an allotment is to be included in the primary parcel and the Council is the registered proprietor of the allotment to be divided from outside the parcel, to make the application jointly with the community corporation.</p>	Chief Executive Officer	
s58(1)	<p>14. Amendment of Plan Pursuant to Development Contract</p> <p>14.1 The power pursuant to Section 58(1) of the Act and in accordance with Sections 58(2), (3) and (4) of the Act, where the Council is the registered proprietor of an estate in fee simple in a development lot, to apply to the Registrar-General for the division of the development lot in pursuant of the development contract and for the consequential amendment of the community plan.</p>	Chief Executive Officer	
s59(1), 59(2) and (3)	15. Amendment by Order of District Court	Chief Executive Officer	

Community Titles Act 1996			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	15.1 The power pursuant to Section 59(1) of the Act and in accordance with Sections 59(2) and (3) of the Act to apply to the ERD Court to amend a community plan.		
s59(3a)	15. Amendment by Order of ERD Court 15.2 The power pursuant to Section 59(3a) of the Act to make submissions to the court in relation to the matter.	Chief Executive Officer	
s61(1)	16. Persons Whose Consents are Required 16.1 The power pursuant to Section 61(1) of the Act, where the Council is: 16.1.1 a person who is the owner of a community lot at the relevant time but did not have the opportunity of voting against the resolution of the corporation authorising the proposed amalgamation because the Council was not then a member of the corporation; or 16.1.2 the prospective owner at the relevant time of a community lot; or 16.1.3 the owner or prospective owner at the relevant time of a development lot; or 16.1.4 a registered encumbrancee or prospective encumbrancee at the relevant time of a community lot or a development lot; or 16.1.5 a person referred to in Section 61(2) of the Act, to consent to the amalgamation.	Chief Executive Officer	
s61(2)	16. Persons Whose Consents are Required 16.2 The power pursuant to Section 61(2) of the Act,	Chief Executive Officer	

Community Titles Act 1996			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	<p>16.2.1 where the plans to be amalgamated are primary plans and a primary lot is divided by a secondary plan where the Council is:</p> <p>16.2.1.1 a person who is the owner of a secondary lot at the relevant time but did not have the opportunity of voting against the proposed amalgamation because the Council was not then a member of the secondary corporation; or</p> <p>16.2.1.2 the prospective owner at the relevant time of a secondary lot; or</p> <p>16.2.1.3 the owner or prospective owner at the relevant time of a development lot in the secondary scheme; or</p> <p>16.2.1.4 a registered encumbrancee or prospective encumbrancee at the relevant time of a secondary lot or development lot; or</p> <p>16.2.2 where the plans to be amalgamated are primary plans and a primary lot is divided by a secondary plan and a secondary lot created by that plan is divided by a tertiary plan or where the plans to be amalgamated are secondary plans a secondary lot is divided by a tertiary plan where the Council is:</p> <p>16.2.2.1 a person who is the owner of a tertiary lot at the relevant time but did not have the opportunity of voting against the proposed amalgamation because the Council was not then a member of the tertiary corporation; or</p> <p>16.2.2.2 the prospective owner at the relevant time of a tertiary lot; or</p> <p>16.2.2.3 the owner or prospective owner at the relevant time of a development lot in the tertiary scheme; or</p> <p>16.2.2.4 a registered encumbrancee or prospective encumbrancee at the relevant time of a tertiary lot or development lot,</p> <p>to consent.</p>		

Community Titles Act 1996			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s62(3)	<p>17. Deposit of Amalgamated Plan</p> <p>17.1 The power pursuant to Section 62(3) of the Act, where the Council is:</p> <p>17.1.1 the owner of the servient land; or</p> <p>17.1.2 a person who appears from the Register Book to hold a registered encumbrance over the servient land (other than an easement that will not be affected)</p> <p>to endorse an application for amalgamation with the Council's consent.</p>	Chief Executive Officer	
s66(1)	<p>18. Persons Whose Consent is Required</p> <p>18.1 The power pursuant to Section 66(1) of the Act, to, where the Council is:</p> <p>18.1.1 an owner at the relevant time of a community lot and a development lot (if any); or</p> <p>18.1.2 the prospective owner at the relevant time of a community lot or a development lot; or</p> <p>18.1.3 a registered encumbrancee or prospective encumbrancee at the relevant time of a community lot or development lot,</p> <p>to give consent to the application.</p>	Chief Executive Officer	
s67(1)	<p>18A. Application to ERD Court</p> <p>18A.1 The power pursuant to Section 67(1) of the Act, to make an application to the ERD Court for an order cancelling a community plan.</p>	Chief Executive Officer	
s67(1a)	18A. Application to ERD Court	Chief Executive Officer	

Community Titles Act 1996			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	18A.2 The power pursuant to Section 67(1a) of the Act to make submissions to the Court in relation to the matter.		
s69(2)(e)	19. Cancellation 19.1 The power pursuant to Section 69(2)(e) of the Act to consent to the cancellation of a community plan where the Council is the owner of the servient land or holds a registered encumbrance over the servient land (other than an easement that will not be affected).	Chief Executive Officer	
s69(6)	19. Cancellation 19.2 The power pursuant to Section 69(6) of the Act to where the Council is the registered proprietor of the servient land or the dominant land (if any) request an easement be reinstated on cancellation of a plan.	Chief Executive Officer	
s70(2)	20. Division of Primary Parcel Under Part 19AB 20.1 The power pursuant to Section 70(2) of the Act, where the Council is: 20.1.1 an owner of a primary lot or an owner of a development lot (if any) comprising the primary parcel; 20.1.2 if a primary lot is divided by a secondary plan - an owner of the secondary lot and an owner of the development lot (if any) comprising the secondary parcel; or 20.1.3 if a secondary lot is divided by a tertiary plan - an owner of a tertiary lot and the owner of a development lot (if any) comprising the tertiary parcel, to endorse a plan of division lodged with the application with the Council's consent.	Chief Executive Officer	

Community Titles Act 1996			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s84(3), 84(5), (5a) and (6)	<p>21. Voting at General Meetings</p> <p>21.1 The power pursuant to Section 84(3) of the Act, subject to Section 84(8) of the Act and in accordance with Sections 84(5), (5a) and (6) of the Act, to nominate another person to attend and vote at meetings on the Council's behalf.</p>	Chief Executive Officer	
s84(11)	<p>21. Voting at General Meetings</p> <p>21.2 The power pursuant to Section 84(11) of the Act, to exercise an absentee vote on a proposed resolution by giving the secretary written notice of the proposed vote at least six hours before the time of the meeting.</p>	Chief Executive Officer	
s100(1)	<p>22. Administrator of Community Corporation's Affairs</p> <p>22.1 The power pursuant to Section 100(1) of the Act to make application to the District Court or the Magistrates Court to appoint an administrator of the community corporation, or remove or replace an administrator previously appointed.</p>	Chief Executive Officer	
s101(1), 101(5), 101(6)	<p>23. Power to Enforce Duties of Maintenance and Repair etc</p> <p>23.1 The power pursuant to Section 101(6) of the Act, where:</p> <p>23.1.1 -</p> <p>23.1.1.1 the Council incurs costs in complying with a notice under Section 101(1) of the Act; or</p> <p>23.1.1.2 the corporation recovers costs from the Council under Section 101(5) of the Act; and</p> <p>23.1.2 the circumstances out of which the work was required are attributable to the act or default of another person,</p>	Chief Executive Officer	

Community Titles Act 1996			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	to recover those costs from that other person as a debt.		
s108(1)	<p>24. Right to Inspect Policies of Insurance</p> <p>24.1 The power pursuant to Section 108(1) of the Act, to request to inspect policies of insurance that are in force and were taken out by or on behalf of the community corporation.</p>	Chief Executive Officer	
s108(2)	<p>24. Right to Inspect Policies of Insurance</p> <p>24.2 The power pursuant to Section 108(2) of the Act, to request to inspect policies of insurance that are in force and were taken out by or on behalf of the primary community corporation.</p>	Chief Executive Officer	
s108(3)	<p>24. Right to Inspect Policies of Insurance</p> <p>24.3 The power pursuant to Section 108(3) of the Act, to request to inspect policies of insurance that are in force and were taken out by or on behalf of the primary or secondary corporation.</p>	Chief Executive Officer	
s139(1)	<p>25. Information to be Provided by Corporation</p> <p>25.1 The power pursuant to Section 139(1) of the Act to, make application to a community corporation to:</p> <p>25.1.1 provide a statement setting out:</p> <p>25.1.1.1 particulars of any contribution payable in relation to the lot (including details of any arrears of contributions in relation to the lot); and</p> <p>25.1.1.2 particulars of the assets and liabilities of the corporation; and</p>	Chief Executive Officer	

Community Titles Act 1996			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	<p>25.1.1.3 particulars of any expenditure that the corporation has incurred, or has resolved to incur, and to which the owner of the lot must contribute, or is likely to be required to contribute; and</p> <p>25.1.1.4 particulars in relation to any other matter prescribed by regulations; and</p> <p>25.1.2 provide copies of:</p> <p>25.1.2.1 the minutes of general meetings of the corporation and meetings of its management committee (if any) for such period, not exceeding two years, specified in the application; and</p> <p>25.1.2.2 the statement of accounts of the corporation last prepared by the corporation; and</p> <p>25.1.2.3 current policies of insurance taken out by the corporation; and</p> <p>25.1.3 make available for inspection such information as is required to establish the current financial position of the corporation including:</p> <p>25.1.3.1 a copy of the accounting records of the corporation; and</p> <p>25.1.3.2 the minute books of the corporation; and</p> <p>25.1.3.3 any other documentary material prescribed by regulation; and</p> <p>25.1.4 if the community corporation is a party to a contract with a body corporate manager – make available for inspection a copy of the contract; and</p> <p>25.1.5 make available for inspection the register maintained under Section 135 of the Act.</p>		
s139(1a), 139(2) and (4)	25. Information to be Provided by Corporation	Chief Executive Officer	

Community Titles Act 1996			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	25.2 The power pursuant to Section 139(1a) of the Act to, subject to Sections 139(2) and (4) of the Act, make application to a community corporation to provide, on a quarterly basis, ADI statements for all accounts maintained by the corporation.		
s140(1)	26. Information as to Higher Tier of Community Scheme 26.1 The power pursuant to Section 140(1) of the Act to apply to the primary corporation for information under Section 139 of the Act.	Chief Executive Officer	
s140(2)	26. Information as to Higher Tier of Community Scheme 26.2 The power pursuant to Section 140(2) of the Act to apply to the primary or secondary corporation for information under Section 139 of the Act.	Chief Executive Officer	
s141(1)	27. Persons Who May Apply for Relief 27.1 The power pursuant to Section 141(1) of the Act to apply for relief under Part 14 of the Act.	Chief Executive Officer	
s142(2), 142(1)	28. Resolution of Disputes, etc 28.1 The power pursuant to Section 142(2) of the Act, subject to Section 142(1) of the Act, to make an application to the Magistrates Court.	Chief Executive Officer	
s142(3), 142	28. Resolution of Disputes, etc 28.2 The power pursuant to Section 142(3) of the Act to apply for the permission of the District Court, to bring an application under Section 142 of the Act in the District Court.	Chief Executive Officer	

Community Titles Act 1996			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s142(3), 142	28. Resolution of Disputes, etc 28.3 The power pursuant to Section 142(3) of the Act to, with the permission of the District Court, bring an application under Section 142 in the District Court.	Chief Executive Officer	
s142(4)	28. Resolution of Disputes, etc. 28.4 The power pursuant to Section 142(4) of the Act to make an application to the District Court that proceedings that have been commenced in the Magistrates Court be transferred to the District Court.	Chief Executive Officer	
s142(6) ,142	28. Resolution of Disputes, etc. 28.5 The power pursuant to Section 142(6) of the Act to make an application to a court to: 28.5.1 transfer an application under Section 142 of the Act to the Supreme Court on the ground that the application raises a matter of general importance; or 28.5.2 state a question of law for the opinion of the Supreme Court.	Chief Executive Officer	
s142A(3), 142A(1)	29. Holding of Deposit and Other Contract Moneys When Lot is Pre-sold	Chief Executive Officer	

Community Titles Act 1996			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	29.1 The power pursuant to Section 142A(3) of the Act, in the event of a contravention of Section 142A(1) of the Act, to, by notice in writing given at any time before the plan of community division is deposited in the Lands Titles Registration Office, avoid the contract of sale.		
s 142A(4)	<p>29. Holding of Deposit and Other Contract Moneys When Lot is Pre-sold</p> <p>29.2 The power pursuant to Section 142A(4) of the Act, if the plan of community division is not deposited in the Lands Titles Registration Office:</p> <p>29.2.1 within such period after the date of the contract as is specified in the contract in accordance with any requirements specified in the regulations; or</p>	Chief Executive Officer	
s142A(4)(a)	<p>29. Holding of Deposit and Other Contract Moneys When Lot is Pre-sold</p> <p>29.2.2 if the contract does not specify a period in accordance with Section 142A(4)(a) of the Act, within 6 months after the date of the contract,</p> <p>to, by notice in writing to the vendor, avoid the contract of sale at any time before the plan is deposited.</p>	Chief Executive Officer	
s146(1), 146(2) - (9)	<p>30. Entry onto Lot or Common Property</p> <p>30.1 The power pursuant to Section 146(1) of the Act, subject to Sections 146(2) - (9) of the Act, where the Council needs to enter another lot or the common property, in order to exercise rights under an easement for the establishment, maintenance and repair of part of the service infrastructure, to:</p> <p>30.1.1 give notice to the owner of the lot to be entered; or</p>	Chief Executive Officer	

Community Titles Act 1996			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	30.1.2 where it is necessary to enter the common property, to give notice to the corporation.		
s146(4)	30. Entry onto Lot or Common Property 30.2 The power pursuant to Section 146(4) of the Act, if notice is not given (in an emergency) or the period of the notice has expired and it is not possible to gain entry without using force, to use such force as is reasonable in the circumstances.	Chief Executive Officer	
s146(6)	30. Entry onto Lot or Common Property 30.3 The power pursuant to Section 146(6) of the Act, in an emergency to enter another lot or the common property to assist a person on the lot or common property or to prevent or reduce damage to the lot or another lot or to the common property.	Chief Executive Officer	

Document history and version control

Date	Council/Chief Executive Officer	Comment
27/6/2017	Annual review adopted at 27 June 2017 Ordinary Council meeting	
26/3/19	Annual review adopted at 26 March 2019 Ordinary Council meeting	
22/9/20	Updates to Section 29, 29.2, 29.2.1 adopted 22 September 2020 Ordinary Council meeting	