

CLARE & GILBERT VALLEYS COUNCIL

INSTRUMENT OF DELEGATION

EXPIATION OF OFFENCES ACT 1996

11 JANUARY 2024

Delegation Sources

- Expiation of Offences Act 1996

Positions

Abbreviation	Position	Name
CO	Compliance Officer	Boyd Kench & Adrian Mason
BS	Consultant Building Surveyor	Peter Harmer
BO	Development Officer - Building	Don Collinge
DCS	Director Corporate Services	Leanne Kunoth

Abbreviation	Position	Name
DWI	Director Works & Infrastructure	Amy Neubauer
EHO	Environmental Health Officer	KC Shumsher (Sam)
MD	Manager Development	Andrew Boyd Kench

Instrument of Delegation under the Expiation of Offences Act 1996

Provision	Power and Functions Delegated	Expiation of Offences Act 1996				
		Date Delegated to CEO	Date of Sub Delegation	Sub Delegate	Conditions and Limitations	Capacity of Council
section 5(1)	Give an expiation notice to an alleged offender	13 December 2023	14 December 2023	EHO, BO, BS, CO, DCS, DWI, MD		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	13 December 2023	14 December 2023	EHO, BO, BS, CO, DCS, DWI, MD		issuing authority

		Expiation of Offences Act 1996				
Provision	Power and Functions Delegated	Date Delegated to CEO	Date of Sub Delegation	Sub Delegate	Conditions and Limitations	Capacity of Council
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	13 December 2023	14 December 2023	EHO, BO, BS, CO, DCS, DWI, MD		issuing authority
section 8(1)	Receive notice from alleged offender electing to be prosecuted for an offence	13 December 2023	14 December 2023	EHO, BO, BS, CO, DCS, DWI, MD		issuing authority
section 8A(1)	Receive application from person in receipt of an expiation notice seeking review on grounds that the offence is trifling	13 December 2023	14 December 2023	EHO, BO, BS, CO, DCS, DWI, MD		issuing authority
section 8A(2)	Require applicant to provide further information	13 December 2023	14 December 2023	EHO, BO, BS, CO, DCS, DWI, MD		issuing authority
section 8A(3)	Require application to be verified by a statutory declaration	13 December 2023	14 December 2023	EHO, BO, BS, CO, DCS, DWI, MD		issuing authority

		Expiation of Offences Act 1996				
Provision	Power and Functions Delegated	Date Delegated to CEO	Date of Sub Delegation	Sub Delegate	Conditions and Limitations	Capacity of Council
section 8A(4)	Determine application	13 December 2023	14 December 2023	EHO, BO, BS, CO, DCS, DWI, MD		issuing authority
section 8A(5)	Withdraw expiation notice if satisfied that the offence is trifling	13 December 2023	14 December 2023	EHO, BO, BS, CO, DCS, DWI, MD		issuing authority
section 11(1)	Issue an expiation reminder notice to alleged offender	13 December 2023	14 December 2023	EHO, BO, BS, CO, DCS, DWI, MD		issuing authority
section 11A(1)	Issue an expiation enforcement warning notice	13 December 2023	14 December 2023	EHO, BO, BS, CO, DCS, DWI, MD		issuing authority
section 11A(2)	Assess acceptability of nomination, statutory declaration or other document provided by alleged offender	13 December 2023	14 December 2023	EHO, BO, BS, CO, DCS, DWI, MD		issuing authority

		Expiation of Offences Act 1996				
Provision	Power and Functions Delegated	Date Delegated to CEO	Date of Sub Delegation	Sub Delegate	Conditions and Limitations	Capacity of Council
section 12	Accept a later payment of amount due under an expiation notice	13 December 2023	14 December 2023	EHO, BO, BS, CO, DCS, DWI, MD		issuing authority
section 16(1)	Withdraw an expiation notice in prescribed circumstances	13 December 2023	14 December 2023	EHO, BO, BS, CO, DCS, DWI, MD		issuing authority
section 16(2)	Refund expiation fee or instalment paid if expiation notice is withdrawn	13 December 2023	14 December 2023	EHO, BO, BS, CO, DCS, DWI, MD		issuing authority
section 16(5)	Prosecute offence following withdrawal of expiation notice	13 December 2023	14 December 2023	EHO, BO, BS, CO, DCS, DWI, MD		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	13 December 2023	14 December 2023	EHO, BO, BS, CO, DCS, DWI, MD		issuing authority

		Expiation of Offences Act 1996				
Provision	Power and Functions Delegated	Date Delegated to CEO	Date of Sub Delegation	Sub Delegate	Conditions and Limitations	Capacity of Council
section 16(11)	Inform Chief Recovery Officer of the withdrawal of an expiation notice	13 December 2023	14 December 2023	EHO, BO, BS, CO, DCS, DWI, MD		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	13 December 2023	14 December 2023	EHO, BO, BS, CO, DCS, DWI, MD		issuing authority
section 18(1)	Enter an agreement with the Chief Recovery Officer in relation to the exchange of information	13 December 2023	14 December 2023	EHO, BO, BS, CO, DCS, DWI, MD		issuing authority