

INSTRUMENT OF DELEGATION UNDER THE FINES ENFORCEMENT AND DEBT RECOVERY ACT 2017

Preamble

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
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

- Fines Enforcement and Debt Recovery Act 2017

Titles

- Chief Executive Officer
- Director Infrastructure & Environmental Services

Instrument of Delegation under the Fines Enforcement and Debt Recovery Act 2017

Fines Enforcement and Debt Recovery Act 2017			
Provision	Item Delegated	Delegate	Conditions and Limitations
S9(2)	<p>1. Amounts Due Under Expiation Notices may be Treated as Part of Pecuniary Sum</p> <p>1.1 The power pursuant to Section 9(2) of the Fines Enforcement and Debt Recovery Act 2017 (the Act) if a debtor requests the making of an aggregation determination but no enforcement determination has been made under Section 22 of the Act in relation to the expiation amount, to pay the prescribed fee.</p>	Chief Executive Officer	
S20(4)	<p>2. Arrangements as to Manner and Time of Payment</p> <p>2.1 The power pursuant to Section 20(4) of the Act to agree with the Chief Recovery Officer the manner in which the Chief Recovery Officer is to give the Council notice of an arrangement entered into under Section 20 of the Act.</p>	Chief Executive Officer	
S20(18)	<p>2. Arrangements as to Manner and Time of Payment</p> <p>2.2 The power pursuant to Section 20(18) of the Act to agree with the Chief Recovery Officer the manner in which, if an arrangement terminates under Sections 20(15) or (17) of the Act, the chief Recovery Officer is to give the Council notice of the termination and the amount then outstanding (taking into account, where the arrangement required the performance of community service, the number of hours of community service to be performed).</p>	Chief Executive Officer	
S22(1)	<p>3. Enforcement Determination</p> <p>3.1 The power pursuant to Section 22(1) of the Act to enforce an expiation notice against the alleged offender by providing to the Chief Recovery Officer the particulars determined by the Chief Recovery officer relating to:</p> <p>(a) the alleged offender; and (b) the offence or offences that remain unexpiated; and (c) the amount due under the notice; and (d) compliance by the council with the requirements of the Act and any other Act.</p>	Director Infrastructure & Environmental Services	
S22(2)	<p>3. Enforcement Determination</p> <p>3.2 The power pursuant to Section 22(2) of the Act to pay the prescribed fee.</p>	Chief Executive Officer	

Document history and version control

Date	Council/Chief Executive Officer	Comment
24/4/18	Adopted at the Council meeting of 24 April 2018	