

## THE BAROSSA COUNCIL DELEGATIONS REGISTER

### INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999 POWERS AND FUNCTIONS UNDER THE RESIDENTIAL PARKS ACT 2007

#### Preamble

1. To identify when these delegations were made, reviewed or amended, refer to the relevant Council resolution in the Schedule of Amended Delegations on Council's website at [www.barossa.sa.gov.au](http://www.barossa.sa.gov.au).
2. To identify when the sub-delegations were made, reviewed or amended, refer to the Instrument of Sub-delegation for the individual officer's position in Council's Electronic Document Records Management System.
3. Sub-delegates by Title:
  - DCCS : Director, Corporate and Community Services
  - MCP: Manager, Community Projects
  - PM-MurrayRecPk: Park Managers, Murray Recreation Park
  - PM-TalungaCaraPk : Park Manager, Talunga Caravan Park
  - PM-WtownQVJPk: Park Managers, Williamstown QVJ Park

Provision	Item Delegated by Council to the Chief Executive Officer	Conditions and Limitations	Sub-delegate
Section 6(1)	Section 6(1): Park Rules. Making rules about the use, enjoyment, control and management of the park.		DCCS , MCP
Section 7(5)	Section 7(5): Residents Committees. Allowing the use of a place within the residential park for the purpose of a meeting of residents called by residents committee.		DCCS, MCP, PM- MurrayRecPk, PM- TalungaCaraPk , PM- WtownQVJPk

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Section 8(1)	Section 8(1): Amendment of Park Rules. Amending park rules for a residential park.		DCCS , MCP
Section 8(3)	Section 8(3): Amendment of Park Rules. Consulting with, and considering the views of, the committee in relation to the amendment of park rules.		DCCS , MCP
Section 11	Section 11: Copies of Written Agreements. Inviting or requiring a resident to sign a written residential park agreement or a document recording the terms of the agreement.		DCCS , MCP, PM- MurrayRecPk, PM- TalungaCaraPk , PM- WtownQVJPk
Section 11	Section 11: Copies of Written Agreements. Providing copy of residential park agreement or a document recording its terms.		DCCS, MCP, PM- MurrayRecPk, PM- TalungaCaraPk , PM- WtownQVJPk
Section 14(1) and (2)	Section 14(1) and (2): Information to be provided by park owners to residents. Providing specified information to the resident.		DCCS, MCP, PM- MurrayRecPk, PM- TalungaCaraPk , PM- WtownQVJPk

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Section 18(2)	Section 18(2): Permissible consideration for residential park agreements.  Receiving payment of a class that the Council is authorised to require under Part 4, Division 10 of the Act.		DCCS , MCP
Section 20	Section 20: Method of payment of rent.  Offering a resident a reasonable alternate method of payment that does not involve personal attendance at the rental property.		DCCS , MCP, PM- MurrayRecPk, PM- TalungaCaraPk , PM- WtownQVJPK
Section 21(1) and 21(3)	Section 21(1) and 21(3): Variation of Rent  Increasing rent payable under a residential park agreement.	Rent cannot be increased beyond that amount which is set in Council's Fees and Charges Register.	DCCS , MCP
Section 21(4)	Section 21(4): Variation of Rent.  Reducing the rent payable by mutual agreement with the resident.		DCCS , MCP
Section 22(4)	Section 22(4): Excessive Rent  Applying to the Residential Tenancies Tribunal (Tribunal) to vary or revoke an order that the increased rent is excessive.		DCCS , MCP

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Section 23(1)	Section 23(1): Park owner's duty to keep proper record of rent.  Ensuring that a proper record is kept of rent received under a residential parks agreement.		DCCS, MCP, PM- MurrayRecPk, PM- TalungaCaraPk , PM- WtownQVJPk
Section 24(1)	Section 24(1): Duty to give receipt for rent.  Providing a receipt for rent received under a residential park agreement.		DCCS, MCP, PM- MurrayRecPk, PM- TalungaCaraPk , PM- WtownQVJPk
Section 25(2)	Section 25(2): Apportionment of rent  Refunding of rent paid in advance, where the residential park agreement ends before the end of the period for which rent has been paid or applying that money towards other liabilities of the resident to the Council.		DCCS , MCP
Section 28(1)	Section 28(1): Receipt of bond and transmission to Commissioner.  Providing a receipt for a bond.		DCCS, MCP, PM- MurrayRecPk, PM- TalungaCaraPk , PM- WtownQVJPk
Section 28(2)	Section 28(2): Receipt of bond and transmission to Commissioner.		DCCS, MCP, PM- MurrayRecPk,

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	Paying a bond received from resident to the Commissioner and lodging with the Commissioner a notice in the form approved by the Commissioner.		PM- TalungaCaraPk , PM- WtownQVJPk
Section 29(1)	Section 29(1): Repayment of bond  Applying to the Commissioner for the payment of the whole bond or specified amount of the bond to the Council.		DCCS , MCP
Section 29(4)	Section 29(4): Repayment of bond.  Lodging a written notice of the dispute in a form approved by the Commissioner in respect of proposed repayment of bond to resident.		DCCS , MCP
Section 48(8)	Section 48(8): Assignment of residential part agreement.  Terminating a residential park agreement on the ground that a resident has assigned his/her interest without the Council's consent.		DCCS , MCP ,
Section 52(a)	Section 52(a): Termination of residential park agreement.  Providing notice terminating a residential park agreement to the resident.		DCCS , MCP ,
Section 56(1)	Section 56(1): Termination of residential park tenancy agreement for breach of agreement.  Providing resident with notice of breach of a residential park tenancy agreement.		DCCS , MCP , PM- MurrayRecPk, PM- TalungaCaraPk , PM- WtownQVJPk

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Section 57(1)	Section 57(1): Termination where successive breaches of residential park tenancy agreement.  Providing notice of termination to the resident for breach of a residential park tenancy agreement.		DCCS , MCP
Section 58(1)	Section 58(1): Termination where serious misconduct by resident.  Providing notice to the resident terminating a residential park tenancy agreement on the ground that the resident, or a person permitted on the rented property with the consent of the resident, has intentionally or recklessly caused or permitted, or is likely to cause or permit serious misconduct of a prescribed type.		DCCS , MCP
Section 59(1)	Section 59(1): Termination where periodic tenancy and sale of rented property.  Providing notice of termination to the resident, to terminate a residential park tenancy agreement for a periodic tenancy, on the ground that the Council: (a) has entered into a contract for sale of the rented property or the dwelling comprised in the rented property; and (b) is required under the contract to give vacant possession of the rented property or the dwelling.		This power remains with CEO - no further sub-delegation
Section 60(1)	Section 60(1): Termination where periodic tenancy and no specified ground of termination.  Providing notice of termination to the resident, to terminate a residential park tenancy agreement for a periodic tenancy, without specifying a ground of termination.		DCCS , MCP
Section 61(1)	Section 61(1): Termination at end of fixed term tenancy.  Providing notice of termination to the resident to terminate at the end of the fixed term.		DCCS , MCP
Section 62(1)	Section 62(1): Termination where residential park tenancy agreement frustrated.  Providing notice of termination to the resident to terminate a residential park tenancy agreement on the ground that the rented property, or a substantial portion of the rented property: (a) has been destroyed or rendered uninhabitable; or		DCCS , MCP

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	(b) has ceased to be lawfully usable for residential purposes; or (c) has been acquired by compulsory process.		
Section 63(2)	Section 63(2): Termination (by resident) for breach of agreement.  Applying to the Tribunal for an order: (a) declaring that the Council is not in breach of the agreement, or has remedied the breach of the agreement, and that the agreement is not liable to be terminated under section 63; or (b) reinstating the agreement.		DCCS , MCP
Section 68(1)	Section 68(1): Termination for breach of residential park site agreement.  Providing the resident with a written notice of breach of a residential park site agreement.		DCCS , MCP, PM- MurrayRecPk, PM- TalungaCaraPk , PM- WtownQVJPk
Section 69(1)	Section 69(1): Termination where successive breaches of residential site agreement.  Providing notice of termination to the resident to terminate a residential park site agreement on the ground that the resident for breach of agreement.		DCCS , MCP
Section 70(1)	Section 70(1): Termination where serious misconduct by resident.  Providing notice of termination to the resident to terminate a residential park site agreement on the ground that the resident, or a person permitted on the rented property with the consent of the resident, has intentionally or recklessly caused or permitted, or is likely to cause or permit serious misconduct of a prescribed kind.		DCCS , MCP
Section 71(1)	Section 71(1): Termination where periodic tenancy and no specified ground of termination.		DCCS , MCP

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	Providing notice of termination to the resident to terminate a residential park site agreement for a periodic tenancy without specifying a ground of termination.		
Section 72(1)	Section 72(1): Termination at end of fixed term.  Providing notice of termination to the resident to terminate a residential park site agreement for a fixed term at the end of the fixed term.		DCCS , MCP
Section 73(1)	Section 73(1): Termination where residential park site agreement frustrated.  Providing notice of termination to the resident on the ground that the rented property or a substantial portion of the rented property: (a) has been destroyed or rendered uninhabitable; or (b) has ceased to be lawfully usable for residential purposes; or (c) has been acquired by compulsory process.		DCCS , MCP
Section 74(2)	Section 74(2): Termination (by resident) for breach of residential part site agreement.  Applying to the Tribunal for an order: (a) declaring that the Council is not in breach of the agreement, or has remedied the breach of the agreement, and that the agreement is not liable to be terminated under section 63; or (b) reinstating the agreement.		DCCS , MCP
Section 79	Section 79: Termination (by Tribunal) on application by Council.  Applying to the Tribunal to terminate a residential park agreement and make an order for possession of the rental property.		DCCS , MCP
Section 81(1)	Section 81(1): Termination (by Tribunal) based on hardship.		DCCS , MCP



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	Applying to the Tribunal to terminate a residential park agreement if the continuation of the agreement would result in undue hardship to the Council or the resident.		
Section 83(1)	Section 83(1): Order for possession. Applying to the Tribunal for an order for possession of the rented property.		DCCS , MCP
Section 83(6)	Section 83(6): Order for possession Applying to the Tribunal for an order for compensation where a resident fails to comply with an order for possession.		DCCS , MCP
Section 84(1)	Section 84(1): Abandonment of rented property. Applying to the Tribunal: (a) to declare that a resident abandoned rented property on a day stated in the declaration, and (b) make an order for immediate possession of the rented property.		DCCS , MCP
Section 84(6)	Section 84(6): Abandonment of rented property. Applying to the Tribunal for an order for compensation to which the Council is entitled under section 84.		DCCS , MCP
Section 87(1)	Section 87(1): Enforcement of orders for possession. Requesting the registrar or deputy registrar to direct a bailiff of the Tribunal to enforce the order for possession of rented property.		DCCS , MCP
Section 92(2)	Section 92(2): Action to deal with abandoned property other than personal documents. Removing and destroying or disposing of abandoned property consisting of perishable foodstuffs after recovering possession of site.		DCCS , MCP, PM- MurrayRecPk, PM- TalungaCaraPk

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Section 92(4)	Section 92(4): Action to deal with abandoned property other than personal documents.  Removing and destroying or disposing of abandoned property, other than perishable foodstuffs, if the value of the property is less than a fair estimate of the cost of removal, storage and sale of the property.		DCCS , MCP
Section 92(5)	Section 92(5): Action to deal with abandoned property other than personal documents.  Notifying in prescribed manner information regarding intended disposal of abandoned property.		DCCS , MCP
Section 92(7)	Section 92(7): Action to deal with abandoned property other than personal documents.  Selling of abandoned property by public auction.		DCCS , MCP
Section 92(8)	Section 92(8): Action to deal with abandoned property other than personal documents.  Using reasonable force to gain entry to the property or remove or deal with it as reasonably necessary for the Council's use of the site or the sale of the property.		DCCS , MCP
Section 92(9)	Section 92(9): Action to deal with abandoned property other than personal documents.  Attributing proceeds derived from sale of abandoned property in the prescribed manner.		DCCS , MCP

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Section 92(11)	Section 92(11): Action to deal with abandoned property other than personal documents.  Applying to the Tribunal seeking orders to resolve the matters in dispute regarding the exercise of powers to dispose of abandoned property.		DCCS , MCP
Section 93(3)	Section 93(3): Action to deal with abandoned personal documents.  Notifying in the prescribed manner intention to destroy or dispose of personal documents.		DCCS , MCP
Section 93(4)	Section 93(4): Action to deal with abandoned personal documents.  Destroying or disposing of abandoned property consisting of personal documents.		DCCS , MCP
Section 94(3)	Section 94(3): Action to deal with abandoned dwellings or prescribed items.  Taking reasonable steps to keep the property safe on the site pending the determination of proceedings before the Tribunal for an order for possession of the site.		DCCS, MCP, PM- MurrayRecPk, PM- TalungaCaraPk , PM- WtownQVJPk
Section 95(1)	Section 95(1): Council may give person notice to leave for serious act of violence.  Providing a resident with a notice to leave the residential park immediately if the delegate has reasonable grounds to believe that: (a) a serious act of violence by the resident has occurred in the park; or (b) the safety of any person in the park is in danger from the resident.		DCCS , MCP, PM- MurrayRecPk, PM- TalungaCaraPk , PM- WtownQVJPk
Section 95(2)	Section 95(2): Council may give person notice to leave for serious act of violence.  Providing a person permitted on rented property with the consent of the resident a notice to leave the		DCCS , MCP, PM- MurrayRecPk,

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	residential park immediately if the delegate has reasonable grounds to believe that: (a) a serious act of violence by the resident's visitor has occurred in the park; or (b) the safety of any person in the park is in danger from the resident's visitor.		PM- TalungaCaraPk , PM- WtownQVJPk
Section 97(1)	Section 97(1): Council may make urgent application to Tribunal.  Applying, where a resident has been given a notice to leave under Part 10 of the Act, to the Tribunal for an order that the residential park agreement be terminated.		DCCS , MCP
Section 109(4)	Section 109(4): Procedure (for mediation).  Terminating where the Council is a party to a residential park dispute which is the subject of a mediation.		DCCS , MCP
Section 109(5)	Section 109(5): Procedure (for mediation).  Agreeing to the terms of settlement of a dispute at mediation.		DCCS , MCP
Section 109(6)	Section 109(6): Procedure.  Signing a written settlement of a residential park dispute.		DCCS , MCP
Section 116(1)	Section 116(1): General powers of Tribunal to resolve disputes.  Applying to the Tribunal if the Council is a party to a dispute, to apply for a remedy specified under this provision.		DCCS , MCP
Section 118(1)	Section 118(1): Restraining Orders.  Applying to the Tribunal for a restraining order, on the basis that there is a risk that a resident, or a person permitted on rented property by a resident, may cause serious damage to property or personal injury.		DCCS , MCP

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Section 121(1)	Section 121(1): Application to vary or set aside order of the Tribunal.  Applying to the Tribunal for an order varying or setting aside an order made in the proceedings before the Tribunal.		DCCS , MCP
Section 123	Section 123: Reasons for Decision.  Requesting reasons from the Tribunal for a decision or order under the Act.		DCCS , MCP
Section 125(1)	Section 125(1): Appeals (to the District Court).  Commencing an appeal to the Administrative and Disciplinary Division of the District Court against a decision or order of the Tribunal made in the exercise (or purported exercise) of its powers under the Act.		DCCS , MCP
Section 139(1)	Section 139(1): Exemptions.  Applying to the Tribunal for an order that a provision of the Act does not apply in relation to an agreement, or prospective agreement, or to a particular rented property, or will apply in a modified manner.		DCCS , MCP

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