



Maddocks

Maddocks Delegations and Authorisations

S11 Instrument of Appointment and Authorisation

West Wimmera Shire Council

Instrument of Appointment and Authorisation



Instrument of Appointment and Authorisation

In this Instrument 'officer' means –

Brendan Pearce	[DIDW] means Director Infrastructure & Development Works [MEMO] means Municipal Emergency Management Officer
Dalton Burns	[DCCS] means Director Corporate & Community Services [DMRM) means Deputy Municipal Recovery Manager
Nicole Wearne	[MPE] means Manager Planning & Environment [EHO] means Environmental Health Officer
Chamo Wilfred	[MIE] means Manager Infrastructure & Engineering [DMEMO] means Deputy Municipal Emergency Management Officer
Kiara Silvester	[EHO] means Environmental Health Officer
Cameron Hayes	[PC] means Planning Coordinator
Josh McCabe	[LLO] means Local Laws Officer
Michelle Ellis	[MRM) means Municipal Recovery Manager
Jason Cay	[CFO] means Chief Financial Officer
Bree Harris	[RC] means Revenue Coordinator
Fiona Baxter	[ESC] means Environmental Services Coordinator
Tracey Bone	[MCSW] means Manager Community Support and Wellbeing [DMRM) means Deputy Municipal Recovery Manager
Jake O'Connor	[PGC] means Parks and Gardens Coordinator
Louise Gabbe	[QFM] means Quality and Facilities Manager
Thea Griffin	[DMEMO] means Deputy Municipal Emergency Management Officer



By this Instrument of Appointment and Authorisation West Wimmera Shire Council –

PART A

1. under s 224 of the *Local Government Act 1989* – appoints the officers to be authorised officers for the administration and enforcement of –

the <i>Building Act 1993</i>	[MBS]
the <i>Country Fire Authority Act 1958</i>	[MPE, LLO, ESO, PGC]
the <i>Domestic Animals Act 1994</i>	[MPE, LLO]
the <i>Emergency Management Act 2013</i>	[MEMO, DMEMO, MRM, DMRM]
the <i>Emergency Services and Volunteers Fund Act 2012</i>	[CFO, RC]
the <i>Fire Rescue Victoria Act 1958</i>	
the <i>Food Act 1984</i>	[MPE, EHO]
the <i>Graffiti Prevention Act 2007</i>	[MPE, LLO]
the <i>Housing Act 1983</i>	[QFM]
the <i>Infringement Act</i>	[MPE, PC, EHO, LLO]
the <i>Impounding of Livestock Act 1994</i>	[LLO]
the <i>Land Act 1958</i> ¹	[MIE, LLO]
the <i>Local Government Act 1989</i>	
the <i>Local Government Act 2020</i>	[DCCS]
the <i>Public Health and Wellbeing Act 2008</i> ²	[MPE, EHO]
Part 14 of the <i>Residential Tenancies Act 1997</i>	[MPE, EHO]
the <i>Road Management Act 2004</i>	[DIDW, MIE]
the <i>Road Safety Act 1986</i>	
the <i>Summary Offences Act 1966</i>	
the <i>Tobacco Act 1987</i> ³	[EHO]
the <i>Valuation of Land Act 1960</i>	[CFO, RC]

the Regulations made under each of those Acts

the local laws made under the *Local Government Act 1989* or the *Local Government Act 2020*

and any other Act, Regulation or local law which relates to the functions and powers of the Council;

PART B

2. under s 3 of the *Building Act 1993* – appoints the officer to be Municipal Building Surveyor for the purposes of the *Building Act 1993*.

¹ Authorisation requires the consent of the Minister (see s 190 of the Act).

² Council only to appoint a person suitably qualified or trained under s 31(2) of the Act.

³ This Act provides for the CEO of a Council to nominate a person to be an inspector for the purposes of the Act and the Secretary may then appoint them to be an inspector (see s 36). Before making the appointment, the Secretary must be satisfied that the person has the necessary skills, training and expertise to exercise the powers of an inspector (see s 36AA). An EHO appointed under the Act is also regarded as an inspector under the Act.

AND/OR

3. under s 216C of the *Building Act 1993* – appoints the officer to be Municipal Building Surveyor for the purpose of carrying out functions in respect of land outside of the municipal district of Council.⁴

AND/OR

4. under s 221(2) of the *Building Act 1993* – appoints the officer to carry out the functions of a municipal building surveyor referred to in s 221(1).⁵

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5. under s 96A(1)(a) of the *Country Fire Authority Act 1958* – appoints the officer to be the fire prevention officer. [MPE]

OR

6. under s 96A(1)(b) of the *Country Fire Authority Act 1958* – appoints the officer to be an assistant fire prevention officer. [LLO, ESO, PGC]

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7. under s 72 of the *Domestic Animals Act 1994* – appoints the officers to be a Council authorised officer for the purposes of the *Domestic Animals Act 1994*. [MPE, LLO]

OR

8. under s 72A(1) of the *Domestic Animals Act 1994* – appoints the officers to be a Council contracted authorised officer##s for the purposes of the *Domestic Animals Act 1994* and such appointment is for a period of ##insert period of appointment.⁶

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9. under s 59G(1) of the *Emergency Management Act 2013* – appoints the officer to be a municipal emergency management officer MEMO, DMEMO]

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10. under s 59H(1) of the *Emergency Management Act 2013* – appoints the officer to be municipal recovery manager [MRM, DMRM]

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11. under s 23 of the *Emergency Services and Volunteers Fund Levy Act 2012* – appoints the officers to be authorised officers for the purposes of the *Emergency Services and Volunteers Fund Act 2012*.⁷ [CFO, RC]

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12. under s 114(2) of the *Environment Protection Act 2017* – appoints the officers to be litter enforcement officers for the purposes of the *Environment Protection Act 2017*.⁸

[MPE, EHO, LLO]

AND/OR

⁴ Functions are outlined in s 216C(1)(a)-(c) of the *Building Act 1993*.

⁵ Council only to appoint a building surveyor registered under Part 11 of the *Building Act 1993*.

⁶ Council may appoint a person who is not an employee of the Council if the person has the qualifications or experience prescribed by the Secretary.

⁷ Persons appointed or authorised officers under the *Local Government Act 1989* are taken to be authorised officers for the purposes of the *Emergency Services and Volunteers Fund Act 2012* (except in Part 4 of that Act).

⁸ Litter enforcement officer must be a member of Council staff (see s 114(2)).



13. under s 171 of the *Environment Protection Act 2017* – appoints the officers to be residential noise enforcement officers for the purposes of s 171 of the *Environment Protection Act 2017*.⁹

[MPE, EHO, LLO]

14. under s 347(3) of the *Environment Protection Act 2017* – appoints the officers for the purposes of r 171 of the *Environment Protection Regulations 2021* relating to on-site waste water management systems.

[MPE, EHO]

15. under s 242(2) of the *Environment Protection Act 2017* – appoints the officers for the purposes of the power or function delegated to Council under s 437(1) of the Act.¹⁰

[MPE, EHO, LLO]

AND/OR

16. under s 242(2A) of the *Environment Protection Act 2017* – appoints the officers for the purposes of the power or function delegated to Council under s 437(1) of the Act.¹¹

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17. under s 5A(1)(a) of the *Fire Rescue Victoria Act 1958* formerly known as the *Metropolitan Fire Brigades Act 1958* – appoints the officer to be the fire prevention officer for the purposes of the *Fire Rescue Victoria Act 1958*.

OR

18. under s 5A(1)(b) of the *Fire Rescue Victoria Act 1958* formerly known as the *Metropolitan Fire Brigades Act 1958* – appoints the officer##s to be ##an assistant fire prevention officer##s for the purposes of the *Fire Rescue Victoria Act 1958*.

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19. for the purposes of s 20 of the *Food Act 1984* – appoints the officers to be authorised officers for the purposes of the *Food Act 1984* **##insert limitations on exercise of powers and functions if relevant, ##insert period of appointment if relevant, ##and on the following conditions: (##insert any conditions if relevant).**¹²¹³

[MPE, EHO]

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20. under s 19(1) of the *Graffiti Prevention Act 2007* – appoints the officers to be authorised persons for the purposes of carrying out Council's functions under s 18 of the, *Graffiti Prevention Act 2007* for a term of **##insert period of appointment if relevant, ##and on the following conditions: (##insert any conditions if relevant).**¹⁴

[MPE, LLO]

⁹ Residential noise enforcement officer may be a member of Council staff or a specified person (i.e. non-employee / skilled contractor) (see s 171(1)).

¹⁰ Must be an employee of Council.

¹¹ Can be an employee of Council or an independent contractor.

¹² Council must be satisfied that the person appointed is suitably qualified or trained to be an authorised officer.

¹³ EHOs appointed under s 29 of the *Public Health and Wellbeing Act 2008* are regarded as an authorised officer for the purposes of the *Food Act 1984*.

¹⁴ Authorised person must agree in writing to exercise functions and powers of an authorised person under Part 4 of the Act and in accordance with any performance criteria determined by Council (see s 19(2)).



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21. under s 71(1) of the *Housing Act 1983* – appoints the officer to be an authorised person for the purposes of entering a house or building and conducting an inspection under s 71 of the *Housing Act 1983*.
[QFM]

22. under s 3 of the *Infringements Act 2006* – appoints the officer to be an issuing officer for the purposes of the *Infringements Act 2006*.
[MPE, PC, EHO, LLO]

23. under s 190 of the *Land Act 1958* – authorises the officer##s for the purposes of s 190 of that Act.¹⁵
[LLO, MIE]

24. under s 150 of the *Local Government Act 2020* – appoints the officer to be the Councillor Conduct Officer.¹⁶
[DCCS]

25. under s 29 of the *Public Health and Wellbeing Act 2008* – appoints the officers to be Environmental Health Officers¹⁷ for the purposes of enforcing the *Public Health and Wellbeing Act 2008* and the *Food Act 1984*.
[MPE, EHO]

26. under s 525(2) of the *Residential Tenancies Act 1997* – appoints the officers to exercise the powers set out in s 526 of the *Residential Tenancies Act 1997*.
[MPE, EHO]

27. under s 71(3) of the *Road Management Act 2004* – appoints the officers to be authorised officers for the purposes of the *Road Management Act 2004*.
[DIDW, MIE]

28. under s 59(1)(a)(ii) of the *Road Safety Act 1986* – authorises the officer##s to exercise the powers under s 59(1)(a) of that Act. □
AND/OR
29. under s 59(1)(d) of the *Road Safety Act 1986* –authorises the officer##s to exercise the powers under s 59(1)(d) of the *Road Safety Act 1986*. □
AND/OR
30. under s 87(1A) of the *Road Safety Act 1986* – authorises the officer to exercise the power in s 87(1A) of the *Road Safety Act 1986*.¹⁸ □
AND/OR
31. under s 87(1B)(c) of the *Road Safety Act 1986* – authorises the officer to exercise the power in s 87(1B)(c) of the *Road Safety Act 1986*. □
AND/OR

¹⁵ Authorisation requires the consent of the Minister (see s 190 of the Act).

¹⁶ Only an 'eligible person' may be appointed.

¹⁷ Council must be sure that the EHO is suitably trained or qualified under s 31(2) of the *Public Health and Wellbeing Act 2008*.

¹⁸ Council must ensure that a person appointed under s 87 is competent, of good repute and character and has agreed in writing to exercise the functions conferred on an authorised person (see s 87(1C) of the Act).



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32. under s 87(8) of the *Road Safety Act 1986* – authorises the person##s who ##is##are not ##a member##s of Council's staff for the purposes of s 87 of the *Road Safety Act 1986*.

33. under r 79(1)(b) of the *Road Safety (General) Regulations 2019* – authorises the officer##s for the purposes of filing a charge or an offence under s 90E of the *Road Safety Act 1986* or under a regulation under that Act. □

34. under r 5 of the *Road Safety (Traffic Management) Regulations 2019* – authorises the officer##s for the purposes of r 14 of the *Road Safety (Traffic Management) Regulations 2019*. □

35. under s 13DA(1) of the *Valuation of Land Act 1960* – appoints the person##s who ##is##are ##not a member##s of Council's staff for the purposes of s 13DA of the *Valuation of Land Act 1960*.¹⁹

AND/OR

36. under s 13J of the *Valuation of Land Act 1960* – appoints the persons for the purposes of s 13J of the *Valuation of Land Act 1960*.²⁰ [CFO, RC]

37. under s 46K(1)(g) of the *Child Wellbeing and Safety Act 2005* – appoints the officers in relation to childhood services implementation or policy. [MCSW]

AND/OR

38. under s 46K(1)(h) of the *Child Wellbeing and Safety Act 2005* – appoints the officers to provide maternal and child health programs for a Maternal and Child Health service. [MCSW]

PART C

39. under –

s 313 of the *Local Government Act 2020*²¹

s 527 of the *Residential Tenancies Act 1997*

s 77(2)(b) of the *Road Safety Act 1986*²²

s 77(4) of the *Road Safety Act 1986* ##Note – only where Council is a Committee of Management under the *Crown Land (Reserves) Act 1978*

¹⁹ Council must ensure that the person appointed holds the qualifications or experience specified from time to time by the Minister by notice published in the Government Gazette.

²⁰ Council must ensure that the person appointed holds the qualifications or experience specified from time to time by the Minister by notice published in the Government Gazette.

²¹ A person authorised under s 313 of the *Local Government Act 2020* is also authorised to bring proceedings under the *Emergency Services and Volunteers Fund Act 2012* (see s 22 of the *Emergency Services and Volunteers Fund Act 2012*).

²² A person authorised under ss 77(2)(b) and/or 77(4) of the *Road Safety Act 1986* is also an authorised officer for the purposes of rr 203 and 307 of the *Road Safety Road Rules 2017*.

s 170(2), 170(4), 170(6) of the *Environment Protection Act 2017* ##Note – only relates to enforcement of unreasonable and aggravated noise

s 347(4) of the *Environment Protection Act 2017* ##Note – only relates to an offence against a provision of Part 6.3 of the Act (litter and other waste)

s 347(3) of the *Environment Protection Act 2017* and r 171 of the *Environment Protection Regulations 2021* ##Note – for specified offences relating to on-site wastewater management systems

s 347(7) of the *Environment Protection Act 2017* ##Note – where Council has been delegated powers or functions in relation to any offences against ss 25, 27, 286, 287 or 288.²³

s 241 of the *Building Act 1993*

s 92 of the *Domestic Animals Act 1994*²⁴

s 96 of the *Road Management Act 2004*

s 33A of the *Impounding of Livestock Act 1994*

s 10(4) of the *Graffiti Prevention Act 2007*

s 219 of the *Public Health and Wellbeing Act 2008*

s 45AC of the *Food Act 1984*

authorises the officer##s generally to institute proceedings and represent Council in proceedings for offences against the Acts, Regulations and local laws described in this instrument.

It is declared that this Instrument -

- comes into force immediately upon its execution;
- remains in force until varied or revoked.

This Instrument is made by the Chief Executive Officer of West Wimmera Shire Council in the exercise of their authority to act on Council's behalf, which includes the authority conferred by resolution of Council made on 21 May 2025.



David Bezuidenhout
Chief Executive Officer
West Wimmera Shire Council

Date: 20 October 2026

²³ Must be an employee or officer of Council.

²⁴ Council may only appoint an authorised officer who is also appointed under s 72 of the Act.