



Maddocks

Maddocks Delegations and Authorisations

S11 Instrument of Appointment and Authorisation

West Wimmera Shire Council

Instrument of Appointment and Authorisation



In this document, the acronyms used have the meaning indicated:

AM	means	Assets Manager
CFO	means	Chief Finance Officer.
CMW	means	Coordinator Maintenance Works
CD&TMgr	means	Community Development & Tourism Manager
CS&WM	means	Community Support & Wellbeing Manager
DCCS	means	Director Corporate & Community Services
DIDW	means	Director Infrastructure Development & Works
MBS	means	Municipal Building Surveyor
E&VAdm	means	Events & Volunteer Administrator
EHO	means	Environmental Health Officer.
LLO	means	Local Laws Officer
BS	means	Building Surveyor.
MIE	means	Manager Infrastructure Engineering
MPE	means	Manager Planning & Environment
RevMgr	means	Revenue Manager
SCW&AR	means	Superintendent Capital Works and Arterial Roads
WMgr	means	Works Manager

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In this Instrument 'officer' has the meaning shown in *Table 1*.

Name	Position	Acronym
Alex Cooper	Municipal Building Surveyor	MBS
Terry Baker	Building Surveyor	BS
Alexander Cumming	Building Surveyor	BS
Ben Griffith	Building Surveyor	BS
Donna McKellar	Building Administrator	BA
Nicole Wearne	Environmental Health Officer	EHO
Melanie Jordan	Chief Financial Officer	CFO
Leilani Dawes	Revenue Manager	RevMgr
John Griffiths	Manager Infrastructure & Engineering	MIE
James Magee	Assets Manager	AM
David Pietsch	Manager Planning & Environment	MPE
Paul Cameron	Local Laws Officer	LLO
Ram Upadhyaya	Director Infrastructure Development & Works	DIDW
James Bentley	Director Corporate and Community Services	DCCS
Robert Warren	Coordinator Maintenance Works	CMW
Steve Carter	Superintendent Capital Works and Arterial Roads	SCWAR
Christopher Chaston	Coordinator Maintenance Works	CMW
Vlad Adamek	Works Manager	WMgr
Tracey Bone	Community Support and Wellbeing Manager	CS&WB
Amanda Munn	Events & Volunteer Administrator	E&VAdm
John Hutchins	Community Development & Tourism Manager	CD&TMgr

Table 1

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

PART A

1. Under section 224 of the *Local Government Act 1989*, appoints the officers to be authorised officers for the administration and enforcement of the following Acts:

the <i>Building Act 1993</i> ;	MBS & BS
the <i>Country Fire Authority Act 1958</i> ;	DIDW, MPE, EHO & LLO
the <i>Domestic Animals Act 1994</i> ;	MPE & LLO
the <i>Emergency Management Act 2013</i> ;	CD&TMgr & MPE
the <i>Fire Services Property Levy Act 2012</i> ;	DCCS, CFO & RevMgr
the <i>Food Act 1984</i> ;	EHO
the <i>Graffiti Prevention Act 2007</i>	LLO
the <i>Housing Act 1983</i> ;	MBS & BS
the <i>Impounding of Livestock Act 1994</i> ;	MPE & LLO
the <i>Land Act 1958</i> ; ¹	MPE & RevMgr
the <i>Local Government Act 1989</i>	All positions listed in <i>Table 1</i>
the <i>Local Government Act 2020</i> ;	DCCS
the <i>Public Health and Wellbeing Act 2008</i> ; ²	EHO
Part 14 of the <i>Residential Tenancies Act 1997</i> ;	EHO
the <i>Road Management Act 2004</i> ;	MIE, WMgr, SCWAR & CMW
the <i>Road Safety Act 1986</i> ;	LLO
the <i>Summary Offences Act 1966</i> ;	EHO
the <i>Tobacco Act 1987</i> ; ³ and	EHO
the <i>Valuation of Land Act 1960</i> .	DCCS, CFO & RevMgr

- a) the Regulations made under each of those Acts;
- b) the local laws made under the *Local Government Act 1989* or the *Local Government Act 2020*; and
- c) any other Act, Regulation or local law which relates to the functions and powers of the Council.

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

² Council only to appoint a person suitably qualified or trained under section 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 section 36). An EHO appointed under the Act is also regarded as an inspector under the Act.

PART B

2.	Under section 3 of the <i>Building Act 1993</i> – appoints the officer to be the Municipal Building Surveyor for the purposes of the <i>Building Act 1993</i> .	MBS
3.	Under section 216C of the <i>Building Act 1993</i> – appoints the officer to be the Municipal Building Surveyor for the purpose of carrying out functions in respect of land outside of the municipal district of Council.	MBS
4.	Under section 96A(1)(a) of the <i>Country Fire Authority Act 1958</i> – appoints the officer to be the fire prevention officer.	MPE
5.	Under section 96A(1)(a) of the <i>Country Fire Authority Act 1958</i> – appoints the officer to be the fire prevention officer in the absence of the MPE.	EHO
6.	Under section 96A(1)(a) of the <i>Country Fire Authority Act 1958</i> – appoints the officer to be the fire prevention officer in the absence of the MPE and the EHO.	LLO
7.	Under section 96A(1)(a) of the <i>Country Fire Authority Act 1958</i> – appoints the officer to be the assistant fire prevention officers.	EHO & LLO
8.	Under section 72 of the <i>Domestic Animals Act 1994</i> – appoints the officers to be a Council authorised officer for the purposes of the <i>Domestic Animals Act 1994</i> .	MPE & LLO
9.	Under section 59G(1) of the <i>Emergency Management Act 2013</i> – appoints the officer to be the municipal emergency management officer	CD&TMgr
10.	Under section 59G(1) of the <i>Emergency Management Act 2013</i> – appoints the officer to be the municipal emergency management officer in the absence of the CD&TMgr	MIE
11.	Under section 59G(1) of the <i>Emergency Management Act 2013</i> – appoints the officer to be the municipal emergency management officer in the absence of the CD&TMgr & MIE	WMgr
12.	Under section 59H(1) of the <i>Emergency Management Act 2013</i> – appoints the officer to be the municipal recovery manager	DCCS
13.	Under section 59H(1) of the <i>Emergency Management Act 2013</i> – appoints the officer to be the municipal recovery manager in the absence of the DCCS	CS&WM
14.	Under section 59H(1) of the <i>Emergency Management Act 2013</i> – appoints the officer to be the municipal recovery manager in the absence of the DCCS and the CS&WM	E&VAdm
15.	Under section 114(2) of the <i>Environment Protection Act 2017</i> , appoints the officer(s) to be litter enforcement officer(s) for the purposes of the <i>Environment Protection Act 2017</i> .	LLO
16.	Under section 171 of the <i>Environment Protection Act 2017</i> , appoints the officer(s) to be residential noise enforcement officer(s) for the purposes of the <i>Environment Protection Act 2017</i> .	EHO & LLO
17.	Under section 347(3) of the <i>Environment Protection Act 2017</i> , appoints the officer for the purposes of r 171 of the <i>Environment Protection Regulations 2021</i> relating to on-site waste water management systems.	EHO

18.	Under section 23 of the <i>Fire Services Property Levy Act 2012</i> – appoints the officers to be authorised officers for the purposes of the <i>Fire Services Property Levy Act 2012</i> . ⁴	DCCS, CFO & RevMgr
19.	For the purposes of section 20 of the <i>Food Act 1984</i> – appoints the officer to be an authorised officer for the purposes of the <i>Food Act 1984</i> . ⁵⁶	EHO
20.	Under section 19(1) of the <i>Graffiti Prevention Act 2007</i> – appoints the officer(s) to be an authorised person for the purposes of carrying out Council’s functions under section 18 of the <i>Graffiti Prevention Act 2007</i> for a term of 4 years. ⁷	LLO
21.	Under section 71(1) of the <i>Housing Act 1983</i> – appoints the officers to be an authorised person for the purposes of entering a house or building and conducting an inspection under section 71 of the <i>Housing Act 1983</i> .	MBS, BS & EHO
22.	Under section 3 of the <i>Infringements Act 2006</i> – appoints the officer(s) to be an issuing officer for the purposes of the <i>Infringements Act 2006</i> .	LLO & EHO
23.	Under section 190 of the <i>Land Act 1958</i> – authorises the officers for the purposes of section 190 of that Act.	MPE
24.	Under section 150 of the <i>Local Government Act 2020</i> – appoints the officer to be the Councillor Conduct Officer. ⁸	DCCS
25.	Under section 29 of the <i>Public Health and Wellbeing Act 2008</i> – appoints the officer to be an Environmental Health Officer ⁹ for the purposes of enforcing the <i>Public Health and Wellbeing Act 2008</i> and the <i>Food Act 1984</i> .	EHO
26.	Under section 525(2) of the <i>Residential Tenancies Act 1997</i> – appoints the officer to exercise the powers set out in section 526 of the <i>Residential Tenancies Act 1997</i> .	EHO
27.	Under section 71(3) of the <i>Road Management Act 2004</i> – appoints the officers to be authorised officers for the purposes of the <i>Road Management Act 2004</i> .	MIE, WMgr, AM
28.	Under section 59(1)(a)(ii) of the <i>Road Safety Act 1986</i> – authorises the officer to exercise the powers under section 59(1)(a) of that Act. ¹⁰	LLO
29.	Under section 59(1)(d) of the <i>Road Safety Act 1986</i> – authorises the officer to exercise the powers under section 59(1)(d) of the <i>Road Safety Act 1986</i> .	LLO
30.	Under section 87(8) of the <i>Road Safety Act 1986</i> – authorises the person who is a member of Council’s staff for the purposes of section 87 of the <i>Road Safety Act 1986</i> ¹¹	LLO

⁴ Persons appointed or authorised officers under the *Local Government Act 1989* are taken to be authorised officers for the purposes of the *Fire Services Property Levy Act 2012* (except in Part 4 of that Act).

⁵ Council must be satisfied that the person appointed is suitably qualified or trained to be an authorised officer.

⁶ EHOs appointed under section 29 of the *Public Health and Wellbeing Act 2008* are regarded as an authorised officer for the purposes of the *Food Act 1984*.

⁷ 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 section 19(2)).

⁸ Only an 'eligible person' may be appointed (see the requirements in section 81Y of the Act).

⁹ Council must be sure that the EHO is suitably trained or qualified under section 31(2) of the *Public Health and Wellbeing Act 2008*.

¹⁰ Provides the power to require the driver of a vehicle to stop the vehicle etc in certain circumstances.

¹¹ Relates to issuing parking infringements.

31.	Under regulation 79(1)(b) of the <i>Road Safety (General) Regulations</i> 2019 – authorises the officer for the purposes of filing a charge or an offence under section 90E of the <i>Road Safety Act</i> 1986 or under a regulation under that Act. ¹²	LLO
32.	Under regulation 5 of the <i>Road Safety (Traffic Management) Regulations</i> 2019 – authorises the officer for the purposes of regulation 14 of the <i>Road Safety (Traffic Management) Regulations</i> 2019. ¹³ RLLC	LLO
33.	Under section 13DA(1) of the <i>Valuation of Land Act</i> 1960 – appoints the persons who are members of Council's staff for the purposes of section 13DA of the <i>Valuation of Land Act</i> 1960. ¹⁴	CFO & RevMgr

PART C

26. Under –

- a) section 313 of the *Local Government Act* 2020; ¹⁵
- b) section 527 of the *Residential Tenancies Act* 1997;
- c) section 77(2)(b) of the *Road Safety Act* 1986; ¹⁶
- d) section 77(4) of the *Road Safety Act* 1986 (Note – only where Council is a Committee of Management under the *Crown Land (Reserves) Act* 1978);
- e) section 170(2), 170(4) and 170(6) of the *Environment Protection Act* 2017 (Note – only relates to enforcement of unreasonable and aggravated noise);
- f) section 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});
- g) section 241 of the *Building Act* 1993;
- h) section 92 of the *Domestic Animals Act* 1994; ¹⁷
- i) section 96 of the *Road Management Act* 2004;
- j) section 33A of the *Impounding of Livestock Act* 1994;
- k) section 10(4) of the *Graffiti Prevention Act* 2007;
- l) section 219 of the *Public Health and Wellbeing Act* 2008; and
- m) section 45AC of the *Food Act* 1984.

¹² Section 90E of the Act refers to parking in Council controlled areas.

¹³ Refers to signs at children's crossings.

¹⁴ 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.

¹⁵ A person authorised under section 313 of the *Local Government Act* 2020 is also authorised to bring proceedings under the *Fire Services Property Levy Act* 2012 (see section 22 of the *Fire Services Property Levy Act* 2012).

¹⁶ 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.

¹⁷ Council may only appoint an authorised officer who is also appointed under section 72 of the Act.



authorises the officers 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:

- a) comes into force immediately upon its execution;
- b) remains in force until varied or revoked; and
- c) revokes the Instruments of Appointment as an Authorised Officer to;
 - i. Senior Planning Officer



Maddocks

This instrument is made by the Chief Executive Officer, West Wimmera Shire Council in the exercise of his authority to act on Council's behalf, which includes the authority conferred by resolution of Council made on 15 September 2021.

David Bezuidenhout
Chief Executive Officer
West Wimmera Shire Council

10 June

Date

2022