

# **COUNCIL APPROVED AUTHORISATIONS REGISTER**

**July 2022**

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## CARAVAN PARKS AND CAMPING GROUNDS ACT 1995

### CAAR 01-1 APPOINTMENT OF AUTHORISED PERSONS – CARAVAN PARKS AND CAMPING GROUNDS ACT 1995

<b>Function to be performed:</b>	<p><i>A local government —</i></p> <p><i>(a) may appoint such persons to be authorised persons for the purposes of this Act as the local government considers necessary; and</i></p> <p><i>(b) must issue each person appointed under paragraph (a) with an identity card, in the prescribed form, certifying that the person is an authorised person under this Act.</i></p>
<b>Legislative Power or duty authorised:</b>	<p><i>The powers of a “authorised person” under the Caravan Parks and Camping Grounds Act 1995 and the Caravan and Camping Grounds Regulations 1997.</i></p>
<b>Legislative power to Authorise:</b>	<p><i>Caravan Parks and Camping Grounds Act 1995</i>  <i>s17 Appointment of authorised person</i></p>
<b>Appointed as Authorised Person:</b>	<p><i>For the purposes of Division 1 of Part 2 and Sections 22 and 23(5) and (7) of the Caravan Parks and Camping Grounds Act 1995:-</i></p> <ul style="list-style-type: none"> <li><i>• Chief Executive Officer</i></li> <li><i>• Executive Manager Corporate and Community Services</i></li> <li><i>• Executive Manager, Works and Assets</i></li> <li><i>• Environmental Health Officer</i></li> </ul> <p><i>For the purposes of section 23(2) of the Caravan Parks and Camping Grounds Act 1995:-</i></p> <ul style="list-style-type: none"> <li><i>• Environmental Health Officer</i></li> <li><i>• Ranger</i></li> </ul>
<b>Conditions and Exceptions:</b>	<p><i>The Chief Executive Officer is empowered to sign such documents, issue notices and initiate appropriate legal action on behalf of the Shire when a breach of the said Act and related legislation warrants such action.</i></p>
<b>Reporting Requirements:</b>	<p><i>Any actions taken or notices issued are to be recorded on the appropriate file or record. Copies of applications, licences and notices are to be recorded on the appropriate file or record.</i></p>
<b>Details of Review:</b>	<p><i>8 July 2021</i></p>

## CONTROL OF VEHICLES (OFF-ROAD AREAS) ACT 1978

CAAR 01-2

### APPOINTMENT OF AUTHORISED PERSONS - CONTROL OF VEHICLES (OFF-ROAD AREAS) ACT 1978

<b>Function to be performed:</b>	<p>A local government may by resolution appoint —</p> <ul style="list-style-type: none"> <li>• any employee of the local government; and</li> <li>• where the Minister by notice published in the Government Gazette authorises the local government to do so,</li> </ul> <p>any member of the council of that local government, to be an authorised officer for the purposes of this Act either in respect of the whole of its district or any part thereof defined in the appointment.</p>
<b>Legislative Power or duty authorised:</b>	<p>Powers of an authorised officer for the purposes of the Control of Vehicles (Off-road Areas) Act 1978 and the Control of Vehicles (Off-road Areas) Regulations 1979 for the whole of the district of the Shire.</p>
<b>Legislative power to Authorise:</b>	<p>Control of Vehicles (Off-road Areas) Act 1978 s38 Authorised officers S38(3) A local government may by resolution appoint</p>
<b>Appointed as Authorised Person:</b>	<p>Chief Executive Officer Executive Manager Corporate and Community Services Executive Manager, Works and Assets Ranger</p>
<b>Appointment:</b>	<p>A person who is appointed as an authorised officer: —</p> <ol style="list-style-type: none"> <li>(a) has within the area of jurisdiction entrusted to him by the appointment the duties and powers of an authorised officer under this Act, and may exercise such powers within that area;</li> <li>(b) may exercise the powers conferred upon him by this Act in relation to any person or vehicle which he has reason to believe is concerned in a contravention of this Act notwithstanding that such person or vehicle is not then within the area of jurisdiction entrusted to him if that person or vehicle was pursued from that area or is known to have been in that area at the time of the contravention;</li> <li>(c) may, for the purposes of this Act in the course of his duty, enter on any land or, using only such force as is necessary, may enter a vehicle for the purpose of removing it.</li> </ol>
<b>Conditions and Exceptions:</b>	<p>Withdrawal of an infringement notice can only be approved by the Chief Executive Officer.</p>
<b>Reporting Requirements:</b>	<ol style="list-style-type: none"> <li>(1) The chief executive officer of a local government is to keep a register of             <ol style="list-style-type: none"> <li>(a) Authorisations made under section 10AA(1); and</li> <li>(b) Further Authorisations made under the authority of an Authorisation made under section 10AA (1).</li> </ol> </li> <li>(2) At least once every financial year —             <ol style="list-style-type: none"> <li>(a) Authorisations made under section 10AA(1); and</li> <li>(b) Further Authorisations made under the authority of an Authorisation made under section 10AA(1), are to be reviewed by the Council.</li> </ol> </li> </ol>
<b>Details of Review:</b>	<p>8 July 2021</p>

## LITTER ACT 1979

### CAAR 01 -3 APPOINTMENT OF AUTHORISED PERSONS TO WITHDRAW INFRINGEMENT NOTICES - LITTER ACT 1979

<b>Function to be performed:</b>	<p><i>An infringement notice may, whether or not the prescribed penalty has been paid, be withdrawn, at any time within 28 days after the service of the notice, by the sending of a notice, in the prescribed form, to the alleged offender at his last known place of residence or business, advising the alleged offender that the infringement notice has been withdrawn, and, in that event, the amount of any prescribed penalty that has been paid shall be refunded.</i></p> <p><i>A withdrawal notice shall be signed by a person appointed in writing to withdraw infringement notices by the public authority.</i></p>
<b>Legislative Power or duty authorised:</b>	<p><i>Litter Act 1979</i>  <i>s.27AA Honorary inspectors</i>  <i>s.30(4) Infringement Notices</i></p>
<b>Legislative power to Authorise:</b>	<p><i>To sign withdrawal of infringement notices under section 30(4) of the Litter Act 1979.</i></p>
<b>Appointed as Authorised Person:</b>	<p><i>Chief Executive Officer</i>  <i>Executive Manager Corporate and Community Services</i>  <i>Executive Manager, Works and Assets</i></p>
<b>Appointment:</b>	<p><i>A person who is appointed as an authorised officer —</i></p> <ul style="list-style-type: none"> <li><i>(a) has within the area of jurisdiction entrusted to him by the appointment the duties and powers of an authorised officer under this Act, and may exercise such powers within that area;</i></li> <li><i>(b) may exercise the powers conferred upon him by this Act in relation to any person or vehicle which he has reason to believe is concerned in a contravention of this Act notwithstanding that such person or vehicle is not then within the area of jurisdiction entrusted to him if that person or vehicle was pursued from that area or is known to have been in that area at the time of the contravention;</i></li> <li><i>(c) may, for the purposes of this Act in the course of his duty, enter on any land or, using only such force as is necessary, may enter a vehicle for the purpose of removing it.</i></li> </ul>
<b>Conditions and Exceptions:</b>	<p><i>Nil</i></p>
<b>Reporting Requirements:</b>	<p><i>Details of withdrawal notices made must be recorded in the appropriate record to meet legislative requirements.</i></p>
<b>Details of Review:</b>	<p><i>8 July 2021</i></p>

## CRIMINAL PROCEDURES ACT 2004

### CAAR 01-4 APPOINTMENT OF AUTHORISED AND APPROVED OFFICERS INFRINGEMENT NOTICES – CRIMINAL PROCEDURES ACT 2004

<b>Function to be performed:</b>	<i>The local government may appoint persons or class of persons to be authorised or approved officers for the purposes of Part 2 of the Criminal Procedure Act 2004 to allow infringement notices to be issued.</i>
<b>Legislative Power or duty authorised:</b>	<i>Health Asbestos Regulations 1992 r15D Infringement Notices r. 15D(5) A local government may, in writing, appoint persons or classes of persons to be authorised officers or approved officers for the purposes of the Criminal Procedure Act 2004 Part 2.</i>
<b>Legislative power to Authorise:</b>	<i>Part 2 Criminal Procedure Act 2004</i>
<b>Appointed as Authorised Person:</b>	<i>Approved Officers:</i> <ul style="list-style-type: none"> <li>• Chief Executive Officer</li> </ul> <i>Authorised Officers:</i> <ul style="list-style-type: none"> <li>• Executive Manager Corporate and Community Services</li> <li>• Executive Manager, Works and Assets</li> <li>• Environmental Health Officer</li> <li>• Ranger</li> </ul>
<b>Appointment:</b>	<i>Authorised officers for the purposes of Part 2 of the Criminal Procedures Act 2004 are the persons who are authorised to issue infringement notices under the Regulations on behalf of the local government. This appointment must be in writing.</i>  <i>Approved officers for the purpose of Part 2 of the Criminal Procedure Act 2004 are the persons authorised to extend the period to pay or withdraw an infringement notice. A person appointed as an approved officer is not eligible to also be appointed as an authorised officer for the purposes of Part 2 of the Criminal Procedures 2004 Act. This appointment must be in writing.</i>
<b>Conditions and Exceptions:</b>	<i>The local government must issue a person authorised to issue infringement notices with a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices under the Regulations.</i>
<b>Reporting Requirements:</b>	<i>Details of withdrawal notices made must be recorded in the appropriate record to meet legislative requirements.</i>
<b>Details of Review:</b>	<i>8 July 2021</i>

## HEALTH (MICELLENANOUS PROVISIONS) ACT 1911

### CAAR 01-5 APPOINTMENT OF AUTHORISED OFFICERS

## HEALTH (TREATMENT OF SEWAGE AND DISPOSAL OF LIQUID WASTE) REGULATIONS 1974

<b>Function to be performed:</b>	<i>A local government may appoint and authorise any person to be its deputy, and in that capacity to exercise and discharge all or any of the powers and functions of the local government for such time and subject to such conditions and limitations (if any) as the local government shall see fit from time to time to prescribe, but so that such appointment shall not affect the exercise or discharge by the local government itself of any power or function</i>
<b>Legislative Power or duty authorised:</b>	<i>Health (Treatment of Sewage and Disposal of Liquid Waste) Regulations 1974 4 (3) (a) grant approval subject to form and conditions set by Council (b) refuse to grant approval 10 (2) relating to approvals) 22 (2)(a) relating to appeals</i>
<b>Legislative power to Authorise:</b>	<i>Health (Miscellaneous Provisions) Act 1911 s 26 Powers of Local Government</i>
<b>Appointed as Authorised Person:</b>	<i>Environmental Health Officer</i>
<b>Appointment:</b>	<i>The Environmental Health Officer is authorised to exercise and discharge the powers and functions of the Council in relation to the Health (Treatment of Sewage and Disposal of Liquid Waste) Regulations 1974: 4 (3)(a) – grant approval subject to form and conditions set by Council (b) – refuse to grant approval 10 (2) – (relating to approvals) (4)(b) – (relating to approvals) 22 (2)(a) – (relating to appeals) (b) – (relating to appeals) Objectives</i>
<b>Conditions and Exceptions:</b>	<i>Compliance with the Health Act and Regulations, the Building Code of Australia and the Town Planning Scheme is mandatory. Any application not complying to be refused, unless there is a discretion, in which case it is to be referred to Council for decision.  Effluent systems are to be sized in accordance with Schedule B</i>
<b>Reporting Requirements:</b>	<i>Action taken to must be recorded in Synergy under the appropriate File Number record to meet legislative requirements.  Notification of the authorised decision must be made to Councillors at the next available Council Meeting.</i>
<b>Details of Review:</b>	<i>8 July 2021</i>

## **CHIEF EXECUTIVE OFFICER APPROVED AUTHORISATIONS**

**These Acts do not contain a head of power to delegate.**

**The Chief Executive Officer authorises the appropriate staff to undertake the functions to be performed under each Act.**



## FINES, PENALTIES AND INFRINGEMENT NOTICES ENFORCEMENT ACT 1994

### CEOAA 01-1 FINES, PENALTIES AND INFRINGEMENT NOTICES ENFORCEMENT ACT 1994 APPOINTMENT OF PROSECUTION OFFICERS

<b>Function to be performed:</b>	<i>A prosecuting authority at any time may amend the written notice of designated prosecuting officers.</i>
<b>Legislative Power or duty authorised:</b>	<i>Section 13 of the Fines Penalties and Infringement Notices Enforcement Act 1994.</i>
<b>Legislative power to Authorise:</b>	<i>Section 13(2) of the Fines, Penalties and Infringement Notices Enforcement Act 1994.</i>
<b>Appointed as Authorised Person:</b>	<i>Approved Officers:</i> <ul style="list-style-type: none"><li>• <i>Chief Executive Officer</i></li></ul> <i>Authorised Officers:</i> <ul style="list-style-type: none"><li>• <i>Executive Manager Corporate and Community Services</i></li><li>• <i>Executive Manager, Works and Assets</i></li><li>• <i>Environmental Health Officer</i></li><li>• <i>Ranger</i></li></ul>
<b>Appointment:</b>	<i>The Chief Executive Officer is Authorised the power to appoint officers that are prosecution officers for the purposes of sections 16 and 22 of the Fines, Penalties and Infringement Notices Enforcement Act 1994.</i>
<b>Conditions and Exceptions:</b>	<i>In relation to local laws the designation allows -Signing of Enforcement Certificates to initiate prosecution (Section 16);</i>  <i>Signing of Withdrawal of Proceedings Notices (Section 2) for those matters already registered with Fines Enforcement;</i>
<b>Reporting Requirements:</b>	<i>Details of withdrawal notices made must be recorded in the appropriate record to meet legislative requirements.</i>
<b>Details of Review:</b>	<i>8 July 2021</i>

## CEMETERIES ACT 1986

### CEOAA 01-1 APPOINTMENT OF AUTHORISED PERSONS – CEMETERIES ACT 1986

<b>Function to be performed:</b>	<i>A Board means a cemetery board established under Section 7 or deemed to have been established under this Act an in relation to a cemetery means the Board responsible for the care, control and management of that Cemetery.</i>
<b>Legislative Power or duty authorised:</b>	<p><i>Cemeteries Act 1986 Under s10 and s 47:-</i></p> <ul style="list-style-type: none"> <li>• <i>A Board may authorise funds to be expended for the performance of any of the functions or any other purpose approved by the Minister;</i></li> <li>• <i>A Board may appoint such employees, either full time or part time, as it considers necessary to enable it to carry out its functions; and</i></li> <li>• <i>A Board may engage under contract for services such professional and technical and other assistance as it considers necessary to enable it to carry out its functions.</i></li> </ul> <p><i>Powers of the local government as prescribed in the Parking and Parking Facilities Local Law 2013.</i></p> <p><i>Local Government Act 1995 Section 9.10 Appointment of Authorised Persons</i></p>
<b>Legislative power to Authorise:</b>	<i>Section 10 and Section 47 of the Cemeteries Act 1986</i>
<b>Appointed as Authorised Person:</b>	<p><i>The Board shall consist of:</i></p> <ul style="list-style-type: none"> <li>• <i>Chief Executive Officer</i></li> <li>• <i>Executive Manager Corporate and Community Services</i></li> <li>• <i>Executive Assistant</i></li> </ul>
<b>Appointment:</b>	<i>The Chief Executive Officer is Authorised the power to appoint officers that are prosecution officers for the purposes of sections 16 and 22 of the Fines, Penalties and Infringement Notices Enforcement Act 1994.</i>
<b>Conditions and Exceptions:</b>	<i>Nil</i>
<b>Reporting Requirements:</b>	<i>Any actions taken or notices issued are to be recorded on the appropriate file or record.</i>
<b>Details of Review:</b>	<i>8 July 2021</i>

## BUILDING ACT

### CEOAA 01-2 INFRINGEMENT NOTICES – BUILDING REGULATIONS 2012

<b>Function to be performed:</b>	<i>Authorised officers the authority to issue Building Act 2011 Infringement Notices in accordance with section 6(b) of the Criminal Procedures Act 2004.</i>
<b>Legislative Power or duty authorised:</b>	<i>Criminal Procedure Act 2004 s 6(b) provide for the appointment of authorised officers in relation to infringement notices that may be issued under this Part for the prescribed offence; and  Building Regulations 2012 r70(2) Approved officers and authorised officers</i>
<b>Legislative power to Authorise:</b>	<i>Local Government Act 1995 s9.10 (1) Appointment of authorised persons</i>
<b>Appointed as Authorised Person:</b>	<i>Executive Manager Corporate and Community Services Executive Manager, Works and Assets Environmental Health Officer Ranger</i>
<b>Appointment:</b>	<i>The Chief Executive Officer is delegated the power to appoint authorised officers for the purpose of issuing Building Act 2011 Infringement notices.</i>
<b>Conditions and Exceptions:</b>	<i>Only persons who are appropriately qualified and trained may be appointed as Authorised persons.  Authorised persons must carry and produce when requested, a Shire issued identity card.</i>
<b>Reporting Requirements:</b>	<i>Details of all decision made must be recorded in the appropriate record to meet legislative requirements.  Copies of the identity card and certificate of authorisation (signed by the person exercising delegated authority to appoint the authorised person and the authorised person so appointed) must be retained on the relevant personnel file.</i>
<b>Details of Review:</b>	<i>8 July 2021</i>

## **PRESIDENT'S AUTHORISATION**

## SPAA 01-1 MEDIA RELEASES

<b>Function to be performed:</b>	<i>To make media releases and to speak on behalf of the Shire of Morawa..</i>
<b>Legislative Power or duty authorised:</b>	<i>Local Government Act s5.41(f)</i>
<b>Legislative power to Authorise:</b>	<i>Local Government Act S2.8 (1) (d) The mayor or president speaks on behalf of the local government; s5,41(f) The CEO's function are to - speak on behalf of the local government if the mayor or president agrees; Council Policy 1.9 Media Statements and Public Relations</i>
<b>Appointed as Authorised Person:</b>	<i>Chief Executive Officer</i>
<b>Appointment:</b>	<i>The Shire President authorises the CEO to make media releases and to speak on behalf of the Shire of Morawa.</i>
<b>Conditions and Exceptions:</b>	<i>The President, or the Deputy President if President unavailable, should be consulted prior to matters of delicacy being discussed in public, however it is recognised that this may not always be possible. In this case, the CEO is to use discretion whether comment is to be made or not. Regardless, the CEO is not under any obligation to make any comment on any matter</i>  <i>Local Government Act s5.95 Limits on right to inspect local government information;</i>
<b>Reporting Requirements:</b>	<i>Details of the media statement or discussion with the media to be provided to the Shire President and record in Council Record keeping system.</i>
<b>Details of Review:</b>	<i>8 July 2021</i>