



COUNCIL APPROVED AUTHORISATIONS REGISTER

Contents

1		
COUNCIL APPROVED		1
AUTHORISATIONS REGISTER		1
COUNCIL APPROVED AUTHORISATIONS		3
Council authorises the appropriate staff to undertake the functions to be performed under each Act.		3
CAA01-2 APPOINTMENT OF AUTHORISED PERSONS – CARAVAN PARKS AND CAMPING GROUNDS ACT 1995		4
CAA01-3 CONTROL OF VEHICLES (OFF-ROAD AREAS) ACT 1978 – APPOINTMENT OF AUTHORISED PERSONS		5
CAA01-9 APPOINTMENT OF AUTHORISED PERSONS TO WITHDRAW INFRINGEMENT NOTICES - LITTER ACT 1979		6
CAA01-11 APPOINTMENT OF AUTHORISED AND APPROVED OFFICERS INFRINGEMENT NOTICES – CRIMINAL PROCEDURES ACT 2004		7
CEO APPROVED AUTHORISATIONS		8
These Acts do not contain a head of power to delegate.		8
The CEO authorises the appropriate staff to undertake the functions to be performed under each Act.		8
CEO01-1 FINES, PENALTIES AND INFRINGEMENT NOTICES ENFORCEMENT ACT 1994 – APPOINTMENT OF PROSECUTION OFFICERS		9
CEO01-2 APPOINTMENT OF AUTHORISED PERSONS – CEMETERIES ACT 1986		10
CEO01-3 INFRINGEMENT NOTICES – BUILDING REGULATIONS 2012		11

COUNCIL APPROVED AUTHORISATIONS

Council **authorises** the appropriate staff to undertake the functions to be performed under each Act.

CARAVAN PARKS AND CAMPING GROUNDS ACT 1995

CONTROL OF VEHICLES (OFF-ROAD AREAS) ACT 1978

LITTER ACT 1979

CRIMINAL PROCEDURES ACT 2004

CARAVAN PARKS AND CAMPING GROUNDS ACT 1995

CAA01-2 APPOINTMENT OF AUTHORISED PERSONS – CARAVAN PARKS AND CAMPING GROUNDS ACT 1995

Function to be performed: <i>This text is provided as a reference only. Authorisers shall only act in full understanding of the authorised statutory power, inclusive of conditions [see below].</i>	A local government — (a) may appoint such persons to be authorised persons for the purposes of this Act as the local government considers necessary; and (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.
Legislative Power or duty Authorised:	The powers of a “authorised person” under the Caravan Parks and Camping Grounds Act 1995 and the <i>Caravan and Camping Grounds Regulations 1997</i> .
Legislative power to Authorise	Section 17(1) of the <i>Caravan Parks and Camping Grounds Act 1995</i>
Appointed as Authorised Person	<p>For the purposes of Division 1 of Part 2 and Sections 22 and 23(5) and (7) of the <i>Caravan Parks and Camping Grounds Act 1995</i>:-</p> <ul style="list-style-type: none">• Chief Executive Officer• Directors• Environmental Health Officers• Project Officers (Onslow)• Manager, Caravan Park (Onslow) <p>For the purposes of section 23(2) of the <i>Caravan Parks and Camping Grounds Act 1995</i>:-</p> <ul style="list-style-type: none">• All Environmental Health Officers• All Rangers• Project Officers (Onslow)• Manager, Caravan Park (Onslow)
Conditions and Exceptions:	The Environmental Health Officers, Building & Compliance Officer, Project Officer (Onslow), Manager, Caravan Park (Onslow) and Rangers are 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 provided that the power to prosecute any person is only exercised by agreement of the Directors.
Reporting Requirements:	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.
Details of Review:	11 December 2013 21 July 2014 15 July 2015 19 July 2016 18 July 2017 23 October 2018 22 October 2019

CAA01-3 CONTROL OF VEHICLES (OFF-ROAD AREAS) ACT 1978 – APPOINTMENT OF AUTHORISED PERSONS

Function to be performed: <i>This text is provided as a reference only. Authorisers shall only act in full understanding of the authorised statutory power, inclusive of conditions [see below].</i>	A local government may by resolution appoint — □ any employee of the local government; and □ where the Minister by notice published in the <i>Government Gazette</i> authorises the local government to do so, 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.
Legislative Power or duty of the appointment	Powers of an authorised officer for the purposes of the <i>Control of Vehicles (Off-road Areas) Act 1978</i> and the <i>Control of Vehicles (Off-road Areas) Regulations 1979</i> for the whole of the district of the Shire.
Legislative power to Authorise	Section 38(3) of the <i>Control of Vehicles (Off-road Areas) Act 1978</i>
Appointed as Authorised Person	Chief Executive Officer Director Infrastructure Services Director Property & Development Services Rangers
Appointment	A person who is appointed as an authorised officer — (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; (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; (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.
Conditions and Exceptions:	Withdrawal of an infringement notice can only be approved by the Chief Executive Officer or Director Property & Development Services having regard for the Shire's Withdrawal of Infringement Notice Management Procedure.
Reporting Requirements:	Register of, and review of, Authorisations (1) The chief executive officer of a local government is to keep a register of (a) Authorisations made under section 10AA(1); and (b) Further Authorisations made under the authority of an Authorisation made under section 10AA (1). (2) At least once every financial year — (a) Authorisations made under section 10AA(1); and (b) further Authorisations made under the authority of an Authorisation made under section 10AA(1), are to be reviewed by the Council.

Details of Review:

11 December 2013 PREVIOUSLY DA013
21 July 2014
15 July 2015
19 July 2016
18 July 2017
23 October 2018
22 October 2019

LITTER ACT 1979

CAA01-9 APPOINTMENT OF AUTHORISED PERSONS TO WITHDRAW INFRINGEMENT NOTICES - LITTER ACT 1979

Function to be performed:
*This text is provided as a reference only.
Authorisers shall only act in full
understanding of the authorised statutory
power, inclusive of conditions [see below].*

(4) 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.

(4a) A withdrawal notice sent under subsection (4) shall be signed by a person appointed in writing to withdraw infringement notices by the public authority.

Legislative power or
duty of appointment

To sign withdrawal of infringement notices under section 30(4) of the *Litter Act 1979*.

Legislative power to Authorise

To sign withdrawal of infringement notices under section 30(4) of the *Litter Act 1979*.

Appointed as Authorised Person

Chief Executive Officer
Director Infrastructure Services
Director Corporate Services
Director Property & Development Services

Reporting
Requirements:

Details of withdrawal notices made must be recorded in the appropriate record to meet legislative requirements.

Details of Review:

11 December 2013
21 July 2014
15 July 2015
19 July 2016
18 July 2017
23 October 2018
22 October 2019

CRIMINAL PROCEDURES ACT 2004

**CAA01-11 APPOINTMENT OF AUTHORISED AND APPROVED OFFICERS
INFRINGEMENT NOTICES – CRIMINAL PROCEDURES ACT
2004**

Function to be performed: <i>This text is provided as a reference only. Authorisers shall only act in full understanding of the authorised statutory power, inclusive of conditions [see below].</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 <i>Criminal Procedure Act 2004</i> to allow infringement notices to be issued.
Legislative Power or duty Authorised:	Regulation 15D(5) <i>Health Asbestos Regulations 1992</i>
Legislative power to Authorise:	Part 2 Criminal Procedure Act 2004
Appointment of authorised and approved persons:	Authorised Officers: Director Property & Development Services Environmental Health Officers Rangers Approved Officers: Chief Executive Officer
Appointment:	Authorised officers for the purposes of Part 2 of the <i>Criminal Procedures Act 2004</i> 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. Approved officers for the purpose of Part 2 of the <i>Criminal Procedure Act 2004</i> 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 <i>Criminal Procedures 2004 Act</i> . This appointment must be in writing.
Conditions and Exceptions:	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.
Reporting Requirements:	Details of all decision made must be recorded in the appropriate record to meet legislative requirements.
Details of Review:	18 July 2017 23 October 2018 22 October 2019



CEO APPROVED AUTHORISATIONS

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

The CEO **authorises** the appropriate staff to undertake the functions to be performed under each Act.

FINES, PENALTIES AND INFRINGEMENT NOTICES ENFORCEMENT ACT 1994

CEO01-1 *FINES, PENALTIES AND INFRINGEMENT NOTICES ENFORCEMENT ACT 1994 – APPOINTMENT OF PROSECUTION OFFICERS*

Function to be performed: <i>This text is provided as a reference only. Authorisers shall only act in full understanding of the authorised statutory power, inclusive of conditions [see below].</i>	A prosecuting authority at any time may amend the written notice of designated prosecuting officers.
Legislative Power or duty Authorised:	Section 13 of the <i>Fines Penalties and Infringement Notices Enforcement Act 1994</i> .
Legislative power to Authorise:	Section 13(2) of the <i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i> .
Appointment of authorised persons:	Director Infrastructure Services Director Property & Development Services Environmental Health Officers Manager Community Safety Rangers
Appointment:	The CEO is Authorised the power to appoint officers that are prosecution officers for the purposes of sections 16 and 22 of the <i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i> .
Conditions and Exceptions:	In relation to local laws the designation allows -Signing of Enforcement Certificates to initiate prosecution (Section 16); Signing of Withdrawal of Proceedings Notices (Section 2) for those matters already registered with Fines Enforcement;
Reporting Requirements:	Details of all decision made must be recorded in the appropriate record to meet legislative requirements.
Details of Review:	11 December 2013 21 July 2014 15 July 2015 19 July 2016 18 July 2017 23 October 2018 (moved from Council Register) 22 October 2019

CEMETERIES ACT 1986

CEO01-2 APPOINTMENT OF AUTHORISED PERSONS – CEMETERIES ACT 1986

Function to be performed: <i>This text is provided as a reference only. Authorisers shall only act in full understanding of the authorised statutory power, inclusive of conditions [see below].</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.
Legislative Power or duty Authorised:	Under Sections 10 and 47 of the <i>Cemeteries Act 1986</i> – <ul style="list-style-type: none"> • A Board may authorise funds to be expended for the performance of any of the functions or any other purpose approved by the Minister; • 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 • 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.
Legislative Power or duty authorisation:	Powers of the local government as prescribed in the <i>Parking and Parking Facilities Local Law 2013</i> . Section 9.10 of the <i>Local Government Act 1995</i>
Legislative power to Authorise	Section 10 and Section 47 of the <i>Cemeteries Act 1986</i>
Appointed as Authorised Person	The Board shall consist of: <ol style="list-style-type: none"> 1. Chief Executive Officer 2. Director Corporate Services 3. Manager Finance & Administration 4. Administration Services Support Officer (Onslow & Tom Price)
Conditions and Exceptions:	Nil
Reporting Requirements:	Any actions taken or notices issued are to be recorded on the appropriate file or record.
Details of Review:	11 December 2013 21 July 2014 15 July 2015 19 July 2016 18 July 2017 23 October 2018 (moved from Council Register) 22 October 2019

BUILDING ACT

CEO01-3 INFRINGEMENT NOTICES – *BUILDING REGULATIONS 2012*

Function to be performed: <i>This text is provided as a reference only. Authorisers shall only act in full understanding of the authorised statutory power, inclusive of conditions [see below].</i>	Authorised officers the authority to issue <i>Building Act 2011</i> Infringement Notices in accordance with section 6(b) of the <i>Criminal Procedures Act 2004</i> .
Legislative Power or duty Authorised:	Section 70(2) of the <i>Building Regulations 2012</i> Section 6(b) <i>Criminal Procedure Act 2004</i>
Legislative power to Authorise:	Section 9.10 (1) of the <i>Local Government Act 1995</i> .
Appointment of authorised persons:	Manager Development Services Manager Community Safety Rangers Environmental Health Officers
Appointment:	The CEO is delegated the power to appoint authorised officers for the purpose of issuing <i>Building Act 2011</i> Infringement notices.
Conditions:	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.
Reporting Requirements:	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.
Details of Review:	22 October 2019