



Rural City of  
**Wangaratta**

# Instrument of Appointment and Authorisation

Responsible Officer	Adoption Date	31 March 2023
Governance and Reporting Advisor	Approved By	CEO
	Review Date	31 March 2024
Authorising Officer	Policy Type	Corporate Policy
Director Corporate and Leisure		

## Instrument of Appointment and Authorisation

In this instrument "**officer**" means:

Abbreviation		Position (or any successor position)
A&CCC	means	Aged & Community Care Coordinator
BI	means	Building Inspector
CBS	means	Cadet Building Surveyor
C&CC	means	Capital & Contracts Coordinator
CO	means	Compliance Officer
CCTL	means	Community Care Team Leader
CEO	means	Chief Executive Officer
CE&IMC	means	Customer Experience & Information Management Coordinator
CSO	means	Customer Service Officer
DC&I	means	Director Community & Infrastructure
DC&L	means	Director Corporate and Leisure
DS&C	means	Director Sustainability and Culture
DMBS	means	Deputy Municipal Building Surveyor
EHO	means	Environmental Health Officer
EMAO	means	Emergency Management/Aerodrome Officer
EMC	means	Emergency Management Coordinator
ETL	means	Environment Team Leader
F&CO	means	Functions & Conventions Officer

FMC	means	Facilities Coordinator
G&RA	means	Governance & Reporting Advisor
H&SC	means	Health and Safety Coordinator
M&CS	means	Media and Communications Specialist
MBS	means	Municipal Building Surveyor
MCDTS	means	Manager Customer, Digital & Transformation Services
MCS	means	Manager Community Services
MF	means	Manager Finance
MFS	means	Manager Field Services
MIP&D	means	Manager Infrastructure, Planning & Delivery
MP&G	means	Manager People and Governance
MSS	means	Manager Statutory Services
P&RCCS	means	Property & Revenue Coordinator
P&ROCS	means	Property & Revenue Officer
P&RCCW	means	Projects & Recreation Coordinator
PCBPC	means	Planning Coordinator
PCO	means	Planning Compliance Officer
PE	means	Project Engineer
PO	means	Project Officer
PM	means	Project Manager
RO	means	Recreation Officer
SCSO	means	Senior Customer Service Officer
SDM	means	Service Development Manager
SOC	means	Support Officer Compliance
SODS	Means	Support Officer Development Services
STBPC	means	Strategy Planner
SPBPC	means	Senior Planner
SPSGE	means	Strategy Planner
TCM	means	Tree Crew Member
TSC	means	Technical Services Coordinator
WMC	means	Waste Management Coordinator
VICA	means	Visitor Information Centre Assistant
Y&IO	means	Youth and Inclusion Officer

**By this instrument of appointment and authorisation of the Wangaratta Rural City Council -**

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## **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 *Building Act 1993*** [CEO, DS&C, DC&I, MSS, MIP&D, BI, MBS, DMBS, CC, EHO, TSC]

**the *Country Fire Authority Act 1958*** [DS&C, DC&I, MSS, MIP&D, TSC, CC, EMAO, CO]

**the *Domestic Animals Act 1994*** [DS&C, MSS, CC, CO]

**the *Emergency Management Act 2013*** [DC&I, MIP&D, TSC, C&CC, MFS, G&RA, TCM, PM, PO, EMPC, A&CCC, RO, MCS, CC, CO, P&RCCW, Y&IO]

**the *Fire Services Property Levy Act 2012*** [MF, P&RCCS]

**the *Food Act 1984*** [DS&C, MSS, CC, EHO]

**the *Graffiti Prevention Act 2007*** [DS&C, DC&I, MFS, MSS, CC, CO]

**the *Housing Act 1983*** [DS&C, MSS]

**the *Impounding of Livestock Act 1994*** [DS&C, MSS, CC, CO]

**the *Land Act 1958*<sup>1</sup>** [DS&C, MSS, CC]

**the *Local Government Act 1989*** [CEO, DS&C, DC&I, DC&L, MF, P&RCCS, MCDT&S, MIP&D, MP&G, G&RA, MSS, ETL, CO, CC, SOC, EHO, WMC, TSC, C&CC, PE, MCS, PCBPC, SPBPC, SPSGE, SCSGE, P, MBS, DMBS, BI, PCO, CE&IMC, SCSO, CSO, SDM]

**the *Local Government Act 2020*** [CEO, DS&C, DC&I, DC&L, MF, P&RCCS, MDCT&S, MIP&D, MP&G, G&RA, HS&RO, MSS, ETL, CO, CC, SOC, EHO, WMC, TSC, C&CC, PE, MCS, PCBPC, SPBPC, SPSGE, SCSGE, P, MBS, DMBS, BI, PCO, CE&IMC, SCSO, CSO, SDM]

**the *Public Health and Wellbeing Act 2008*<sup>2</sup>** [MCS, DS&C, MSS, CC, EHO]

**Part 14 of the *Residential Tenancies Act 1997*** [DC&I, DS&C, DC&L, MSS, MIP&D, MP&G, G&RA, CC, EHO, C&CC]

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<sup>1</sup> Authorisation requires the consent of the Minister (see s 190 of the Act.)

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

<b>the Road Management Act 2004</b>	[DC&I, MIP&D, CC, TSC, ETL]
<b>the Road Safety Act 1986</b>	[DC&I, MIP&D, TSC, MSS, CC, CO, SOP&B, SOC, SOS&C EHSSO, , C&CC, PE, CE&IMC, SCSO, CSO]
<b>the Sex Work Act 1994</b>	[PCO, MSS, CC, EHO, DS&C]
<b>the Summary Offences Act 1966</b>	[CC, EHO, CO, MIP&D, TSC, DS&C, DC&I, MSS]
<b>the Tobacco Act 1987<sup>3</sup></b>	[DS&C, DC&I, MIP&D, TSC, MSS, CC, EHO]
<b>the Valuation of Land Act 1960</b>	[DC&L, MF]

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;

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## 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*.

[MBS]

AND

3. under s 216C – 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.<sup>4</sup>

[MBS]

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

[EMAO]

AND

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<sup>3</sup> 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 36AA). An Environmental Health Officer appointed under the *Public Health and Wellbeing Act 2008* is also regarded as an inspector under this Act.

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

5. under s 96A(1)(b) of the *Country Fire Authority Act 1958* – appoints the officers to be assistant fire prevention officers.
- [CO]

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6. under s 72 of the *Domestic Animals Act 1994* - appoints the officers to be Council authorised officers for the purposes of the *Domestic Animals Act 1994*.
- [DS&C, MSS, CC, CO]

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7. under s 59G(1) of the *Emergency Management Act 2013* – appoints the officers to be municipal emergency management officers.
- [MFS – Jamie Reid  
PM – Allan Thrum  
TCM – Nathan French  
MIP&D – Marsha McMonigle  
EMC – Steven Tucker]

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8. under s 59H(1) of the *Emergency Management Act 2013* – appoints the officers to be municipal recovery managers.
- [MCS – Ben Thomas  
A&CCC – Leonie Painter  
PCTL – Leanne Christie  
P&RCCW – Denise Pirko  
F&CO – Alison Roberts  
VICA – Laura Nelson  
CCTL – Meryl Hayden]

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9. 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*<sup>5</sup>.
- [DS&C, MSS, MIP&D, TSC, EHO, CC, CO, SPBPC, PCBPC, P, PCO]

AND

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<sup>5</sup> Litter enforcement officer must be a member of Council staff (see s 114(2)).

10. under s 171 of the *Environment Protection Act 2017* – appoints the officers to be residential noise enforcement officer for the purposes of s 48A of the *Environment Protection Act 2017*.<sup>6</sup>

[DS&C, MSS, CC, CO, EHO]

11. under s 242(2) of the *Environment Protection Act 2017* – appoints the officers for the purposes of the powers or function delegation to Council under s 437(1) of the Act.<sup>7</sup>

[DS&C, MSS, CC, CO, EHO]

12. under s 347(3) of the *Environmental Protection Act 2017* – appoints the officers to be authorised officers for the purposes of taking proceedings for an offence relating to permits under the *Environmental Protection Regulations 2021*.

[DS&C, MEDE&C, MSS, CC, CO, EHO]

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13. under s 23 of the *Fire Services Property Levy Act 2012* – appoints the officers to be authorised officers for the purposes of the *Fire Services Property Levy Act 2012*.<sup>8</sup>

[DC&L, MF, P&RCCS]

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14. for the purposes of s 20 of the *Food Act 1984* - appoints the officer to be an authorised officer for the purposes of the *Food Act 1984*.<sup>9 10</sup>

[EHO]

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15. 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 two years.

[MSS, CC, CO]

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16. under s 71(1) of the *Housing Act 1983* – appoints the officers to be authorised persons for the purposes of entering a house or building and conducting an inspection under s 71 of the *Housing Act 1983*.

[DS&C, MSS, MBS, DMBS]

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<sup>6</sup> 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)).

<sup>7</sup> Must be an employee of Council.

<sup>8</sup> 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).

<sup>9</sup> Council must be satisfied that the person appointed is suitably qualified or trained to be an authorised officer.

<sup>10</sup> Environmental Health Officers 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*.

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17. under s 3 of the *Infringements Act 2006* – appoints the officer to be an issuing officer for the purposes of the *Infringements Act 2006*.

[MSS, CC, CO]

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18. under s 190 of the *Land Act 1958* – authorises the officers for the purposes of s 190 of that Act.<sup>11</sup>

[DC&I, MIP&D, MSS, TSC, CC, CO]

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19. under s 150 of the *Local Government Act 2020* – appoints the officer to be the Councillor Conduct Officer.<sup>12</sup>

[MP&G]

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20. under s 29 of the *Public Health and Wellbeing Act 2008* – appoints the officer to be an Environmental Health Officers<sup>13</sup> for the purposes of enforcing the *Public Health and Wellbeing Act 2008* and the *Food Act 1984*.

[EHO]

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21. 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*.

[DC&I, DS&C, DC&L, MSS, MIP&D, MP&G, G&RA, CC, EHO, C&CC]

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22. 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*.

[DC&I, MIP&D, TSC, CC, C&CC, PE]

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23. under s 59(1)(a)(ii) of the *Road Safety Act 1986* – authorises the officers to exercise the powers under s 59(1)(a) of that Act.

[Not Authorised]

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<sup>11</sup> Authorisation requires the consent of the Minister (see section 190 of the *Land Act 1958*).

<sup>12</sup> The Councillor Conduct Officer must be a member of Council staff and suitably qualified to perform its functions (see s 150(2) of the *Local Government Act 2020*.)

<sup>13</sup> Council must be sure that the EHO is suitably trained or qualified under section 31(2) of the *Public Health and Wellbeing Act 2008*.

AND

24. under s 59(1)(d) of the *Road Safety Act 1986* – authorises the officers to exercise the powers under s 59(1)(d) of that Act.

[Not Authorised]

AND

25. under s 87(1A) of the *Road Safety Act 1986* – authorises the officers to exercise the powers under s 87(1A) of that Act.

[MSS, CC, CO]

AND

26. under s 87(1B)(c) of the *Road Safety Act 1986* – authorises the officers to exercise the powers under s 87(1B)(c) of that Act.

[MSS, CC, CO]

AND

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

[Not Authorised]

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28. under r 79(1)(b) of the *Road Safety (General) Regulations 2019* – authorises the officers 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.

[MSS, CC, CO]

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29. under r 5 of the *Road Safety (Traffic Management) Regulations 2019* – authorises the officers for the purposes of r 14 of the *Road Safety (Traffic Management) Regulations 2019*.

[MSS, CC, CO]

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30. under s 3(1) of the *Sex Work Act 1994* - appoints the officers to be authorised officer of the responsible authority for the purposes of enforcing Parts 4 and 5 of that Act.

[MSS, CC, EHO, DS&C, PCO]

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31. under s 13DA(1) of the *Valuation of Land Act 1960* – appoints the persons who are members of Council's staff for the purposes of s 13DA of the *Valuation of Land Act 1960*.<sup>14</sup>

[DC&L, MF, P&RCCS, P&ROCS]

AND

32. under s 13J – appoints the persons for the purposes of s 13J of the *Valuation of Land Act 1960*.<sup>15</sup>

[MF]

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## PART C

33. under -

s 313 of the *Local Government Act 2020*<sup>16</sup>

s 527 of the *Residential Tenancies Act 1997*

s 77(2)(b) of the *Road Safety Act 1986*<sup>17</sup>

s 77(4) of the *Road Safety Act 1986*<sup>18</sup>

ss 170(2), 170(4), 170(6) of the *Environment Protection Act 2017*<sup>19</sup>

s 347(4) of the *Environment Protection Act 2017*<sup>20</sup>

s 347(3) of the *Environment Protection Act 2017* and r 171 of the *Environment Protection Regulations 2021*<sup>21</sup>

s 347(7) of the *Environment Protection Act 2017*<sup>22</sup>

s 241 of the *Building Act 1993*

s 92 of the *Domestic Animals Act 1994*<sup>23</sup>

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<sup>14</sup> Only an 'eligible person' may be appointed.

<sup>15</sup> 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*.

<sup>16</sup> A person authorised under s 313 of the *Local Government Act 2020* is also authorised to bring proceedings under the *Fire Services Property Levy Act 2012* (see s 22 of the *Fire Services Property Levy Act 2012*).

<sup>17</sup> 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*.

<sup>18</sup> Note – only where Council is a Committee of Management under the *Crown Land (Reserves) Act 1978*

<sup>19</sup> Note – only relates to enforcement of unreasonable and aggravated noise.

<sup>20</sup> Note – only relates to an offence against a provision of Part 6.3 of the Act (litter and other waste)

<sup>21</sup> Note – for specified offences relating to on-site wastewater management systems

<sup>22</sup> Must be an employee of Council.

<sup>23</sup> Council may only appoint an authorised officer who is also appointed under s 72 of the Act.

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 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.

This instrument is made by the Chief Executive Officer, Wangaratta Rural City Council in the exercise of his authority to act on Council's behalf, which includes the authority conferred by resolution of Council made on.

**Brendan McGrath**  
**Chief Executive Officer**  
**Wangaratta Rural City Council**

Date: 31 March 2023