



DELEGATION REGISTER

Title:	Appointment of "Authorised Persons"		
Delegation No.:	DEL-ENF2-CEO		
Delegation from:	Council	Delegated to:	Chief Executive Officer
Date Adopted:		Date Last Reviewed:	

Legislation/Policy:	Local Government Act 1995 – s.9.10
Power or Duty of the Local Government which is being delegated:	<p>(1) The local government may, in writing, appoint persons or classes of persons to be authorised for the purposes of performing particular functions</p> <p>(2) The local government is to issue to each person so authorised a certificate stating that the person is so authorised, and the person is to produce the certificate whenever required to do so by a person who has been or is about to be affected by any exercise of authority by the authorised person.</p>

The Chief Executive Officer is authorised to appoint Authorised Persons under the following –

Local Laws

- Shire of Kalamunda Sand Drift and Litter Control Local Law 2006
- Shire of Kalamunda Fencing Local Law 2008
- Bee Keeping Local Law 2008
- Shire of Kalamunda Local Government Property Local Law
- Shire of Kalamunda Parking and Parking Facilities Local Law
- Shire of Kalamunda Trading on Thoroughfares and Public Places Local Law 2008

Local Government Act 1995, Part 3, Division 3, Subdivision 2
(relating to certain provisions about land)

Local Government Act 1995, Part 3, Division 3, Subdivision 3
(relating to powers of entry)

Local Government Act 1995, Part 3, Division 3, Subdivision 4
(relating to impounding of goods)

Local Government (Miscellaneous Provisions) Act 1960, s.245A
(relating to inspection of private swimming pools)

Local Government (Miscellaneous Provisions) Act 1960, s.449 - 450
Authority to appoint and gazette Pound Keepers, and consequently to establish, maintain and gazette a public pound.

Local Government (Miscellaneous Provisions) Act 1960, s.449 - 450
Authority to appoint and gazette Rangers.

Local Government (Miscellaneous Provisions) Act 1960, s.458

Authority to appoint a person to impound "cattle" (large animals, including horses, sheep, pigs, goats etc.).

Local Government (Miscellaneous Provisions) Act 1960, s.474(4)

Authority to appoint a person who may conduct the sale of impounded cattle.

CROSS REFERENCES (If any):

Administration
Policy/Procedure

Policy No.

Notes

Local Government (Miscellaneous Provisions) Act 1960

The Department of Local Government & Regional Development's Guideline No. 17 (*Delegations*, January 2007) states that -

"Section 2 of the *Local Government (Miscellaneous Provisions) Act 1960* effectively incorporates the provisions of that Act into the *Local Government Act 1995*, and therefore the delegation provisions of the *Local Government Act 1995* apply to the *Local Government (Miscellaneous Provisions) Act 1960*."

Infringement Notices – Local Government Act 1995

9.16. Giving a notice

(1) An authorised person who has reason to believe that a person has committed a prescribed offence against a regulation or local law made under this Act may, within 28 days after the alleged offence is believed to have been committed, give an infringement notice to the alleged offender.

9.13. Onus of proof in vehicle offences may be shifted

(2) Where a vehicle offence is alleged to have been committed and the identity of the person committing the alleged offence is not known and cannot immediately be ascertained an authorised person may give the owner of the vehicle a notice under this section.

9.18. Notice placing onus on vehicle owner

(1) If the alleged offence is one for which a notice under section 9.13 can be given to the owner of a vehicle involved in the commission of the offence, that notice can be included in the same document as an infringement notice to the owner for the alleged offence.

9.20. Withdrawal of notice

(1) Within one year after the notice was given an authorised person may, whether or not the modified penalty has been paid, withdraw an infringement notice by sending to the alleged offender a notice in the prescribed form stating that the infringement notice has been withdrawn.