



Cook Shire COUNCIL

ENVIRONMENTAL HEALTH OFFICER #2

ADDITIONAL DELEGATIONS & AUTHORISATION BY ACT/REG

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DATE EXECUTED: 16/07/2020

CHIEF EXECUTIVE OFFICER: **LINDA CARDEW**

SIGNATURE: *Linda Cardew*

STANDARD CONDITIONS FOR DELEGATIONS

When exercising a power subject to a delegation, the delegate is required to maintain qualifications, or demonstrate appropriate experience in the Acts (and associated Regulations) under which the powers have been delegated.

Where relevant, the delegate is to maintain qualifications, or demonstrate appropriate experience in the application of the following:

- Queensland *Right to Information Act 2009* (and associated Regulations)
- Queensland *Information Privacy Act 2009* (and associated Regulations)
- Queensland *Local Government Act 2009* (and associated Regulations)
- Queensland *Integrity Act 2009* (and associated Regulations)
- Queensland *Public Sector Ethics Act 1994* (and associated Regulations)
- Queensland *Public Records Act 2002* (and associated Regulations).

The delegate will:

- (a) Not intentionally undertake any activity that will adversely affect Council's relations with the public at large, key stakeholders or other agencies, government departments or special interest groups.
- (b) Not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
- (c) Not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
- (d) Only exercise a delegated power in a manner which complies with the requirements of Council's Planning Scheme, Local Laws and/or any other state or federally endorsed and certified corporate scheme, law, regulation or prescriptive document.
- (e) Not exercise any delegated power which cannot lawfully be the subject of delegation by Council.
- (f) Keep all records in accordance with Council policy and procedures and in accordance with the Queensland *Public Records Act 2002* and associated Regulations.
- (g) Refer the exercise of power back to the Chief Executive Officer, Council or an appropriately delegated Manager where the application of that power may be contentious
- (h) Report periodically on the exercise of delegated powers to Council, Cook Shire Council's Chief Executive Officer, Council's Executive Leadership Team or to any agency to which Council is, by law, required to report.

ANIMAL CARE AND PROTECTION ACT 2001

CEO TO CONTRACTOR TO EMPLOYEE OR CONTRACTOR BY COUNCIL DELEGATION

DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	CONDITIONS IN ADDITION TO THE STANDARD CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
Animal Management Officer Compliance Officer Environmental Health Officer	Power, in the specified circumstances, to agree in writing to the transfer of the ownership of an animal or other thing to Council.	Sections 156(2) <i>Animal Care and Protection Act 2001</i>	
Animal Management Officer Compliance Officer Environmental Health Officer	Power, in the specified circumstances, to deal with an animal or other thing as considered appropriate.	Section 157 <i>Animal Care and Protection Act 2001</i>	
Animal Management Officer Compliance Officer Environmental Health Officer	Power, in the specified circumstances, to recover the cost from the animal's owner or former owner.	Section 189 <i>Animal Care and Protection Act 2001</i>	
Animal Management Officer Compliance Officer Environmental Health Officer	Power, in the specified circumstances, to agree in writing to the transfer of the ownership of an animal to Council.	Section 214A(2) <i>Animal Care and Protection Act 2001</i>	

ANIMAL MANAGEMENT (CATS AND DOGS) ACT 2008

CEO TO CONTRACTOR TO EMPLOYEE OR CONTRACTOR BY COUNCIL DELEGATION

DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	CONDITIONS IN ADDITION TO THE STANDARD CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
Animal Management Officer Compliance Officer Environmental Health Officer	Power to give identifying information to particular persons.	Section 39 <i>Animal Management (Cats and Dogs) Act 2008</i>	
Animal Management Officer Compliance Officer Environmental Health Officer	Power to give registration notice.	Section 49(2) <i>Animal Management (Cats and Dogs) Act 2008</i>	
Animal Management Officer Compliance Officer Environmental Health Officer	Power to keep registration form and information.	Section 51 <i>Animal Management (Cats and Dogs) Act 2008</i>	
Animal Management Officer Compliance Officer Environmental Health Officer	Power to require applicant to give a stated document or information that is relevant to a permit application.	Section 74(1) <i>Animal Management (Cats and Dogs) Act 2008</i>	
Animal Management Officer Compliance Officer Environmental Health Officer	Power to grant or refuse a permit application within a certain time.	Section 75(1) <i>Animal Management (Cats and Dogs) Act 2008</i>	
Animal Management Officer Compliance Officer Environmental Health Officer	Power to impose conditions on the grant of an application for a restricted dog permit.	Section 75(5) <i>Animal Management (Cats and Dogs) Act 2008</i>	
Animal Management Officer Compliance Officer Environmental Health Officer	Power to issue a restricted dog permit.	Section 77 <i>Animal Management (Cats and Dogs) Act 2008</i>	
Animal Management Officer Compliance Officer Environmental Health Officer	Power to grant or refuse a renewal application within a certain time.	Section 84(1) <i>Animal Management (Cats and Dogs) Act 2008</i>	
Animal Management Officer Compliance Officer Environmental Health Officer	Power to seek further information in deciding an application for a renewal application.	Section 84(4)(b) <i>Animal Management (Cats and Dogs) Act 2008</i>	
Animal Management Officer Compliance Officer Director Organisational Business Services Environmental Health Officer	Power to: <ul style="list-style-type: none"> • if the application is granted, issue a renewed permit; or • if the application is refused, issue a decision notice. 	Section 84(5) <i>Animal Management (Cats and Dogs) Act 2008</i>	
Animal Management Officer Compliance Officer Environmental Health Officer	Power to make:- <ul style="list-style-type: none"> (a) a dangerous dog declaration; (b) a menacing dog declaration; (c) a restricted dog declaration. 	Section 89(1) <i>Animal Management (Cats and Dogs) Act 2008</i>	

ANIMAL MANAGEMENT (CATS AND DOGS) ACT 2008			
CEO TO CONTRACTOR TO EMPLOYEE OR CONTRACTOR BY COUNCIL DELEGATION			
DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	CONDITIONS IN ADDITION TO THE STANDARD CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
Animal Management Officer Compliance Officer Environmental Health Officer	Power to determine whether a dog is of a breed mentioned in section 63(1).	Section 89(4) <i>Animal Management (Cats and Dogs) Act 2008</i>	
Animal Management Officer Compliance Officer Environmental Health Officer	Power to give a dog owner a proposed declaration notice regarding a dog.	Section 90 <i>Animal Management (Cats and Dogs) Act 2008</i>	
Veterinarian Animal Management Officer Compliance Officer Environmental Health Officer	Power to destroy a surrendered regulated dog.	Section 100 <i>Animal Management (Cats and Dogs) Act 2008</i>	
Animal Management Officer Compliance Officer Environmental Health Officer	Power to include other information considered appropriate in the general register.	Section 178(e) <i>Animal Management (Cats and Dogs) Act 2008</i>	

ANIMAL MANAGEMENT (CATS AND DOGS) ACT 2008			
CEO TO EMPLOYEE OR CONTRACTOR			
DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	CONDITIONS IN ADDITION TO THE STANDARD CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
Animal Management Officer Compliance Officer Environmental Health Officer	Power to, by notice, ask for further information or documents reasonably required to register a dog.	Section 48(2) <i>Animal Management (Cats and Dogs) Act 2008</i>	
Animal Management Officer Compliance Officer Environmental Health Officer	Power to record the information about a registration in the appropriate register.	Section 51(b) <i>Animal Management (Cats and Dogs) Act 2008</i>	
Animal Management Officer Compliance Officer Environmental Health Officer	Power to ask the owner of a dog for other information or documents in the way mentioned in section 48.	Section 55(2) <i>Animal Management (Cats and Dogs) Act 2008</i>	
Animal Management Officer Compliance Officer Environmental Health Officer	Power to: <ul style="list-style-type: none"> • update the information in the relevant register; and • give the owner a notice of the amended information. 	Section 55(4) <i>Animal Management (Cats and Dogs) Act 2008</i>	
Animal Management Officer Compliance Officer Environmental Health Officer	Power to give renewal notice to renew registration for a dog.	Section 56(1) <i>Animal Management (Cats and Dogs) Act 2008</i>	
Animal Management Officer Compliance Officer Environmental Health Officer	Power to ask the owner of a dog for other information or documents in the way mentioned in section 48.	Section 58(2) <i>Animal Management (Cats and Dogs) Act 2008</i>	

ANIMAL MANAGEMENT (CATS AND DOGS) ACT 2008

CEO TO EMPLOYEE OR CONTRACTOR

DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	CONDITIONS IN ADDITION TO THE STANDARD CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
Animal Management Officer Compliance Officer Environmental Health Officer	Power to update information in the appropriate register and give a registration device to the owner of the registered dog.	Section 58(4) <i>Animal Management (Cats and Dogs) Act 2008</i>	
Animal Management Officer Compliance Officer Environmental Health Officer	Power to inspect information kept in the regulated dog register.	Section 173(1)(b) <i>Animal Management (Cats and Dogs) Act 2008</i>	
Animal Management Officer Compliance Officer Environmental Health Officer	Power to inspect information kept in the breeder register.	Section 173B <i>Animal Management (Cats and Dogs) Act 2008</i>	
Animal Management Officer Compliance Officer Environmental Health Officer	Power to keep the dog registry of the local government.	Section 177(1) <i>Animal Management (Cats and Dogs) Act 2008</i>	

BIOSECURITY ACT 2014

CEO TO CONTRACTOR TO EMPLOYEE OR CONTRACTOR BY COUNCIL DELEGATION

DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	CONDITIONS IN ADDITION TO THE STANDARD CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
Animal Management Officer Compliance Officer Environmental Health Officer	Power to apply to the chief executive for a travel approval for the movement of a special designated animal.	Section 181 <i>Biosecurity Act 2014</i>	
Animal Management Officer Compliance Officer Environmental Health Officer	Power, as a receiver of a special designated animal at a saleyard, to take the action referred to in subsections (a) and (b).	Section 187 <i>Biosecurity Act 2014</i>	
Animal Management Officer Compliance Officer Environmental Health Officer	Power, as a receiver of a special designated animal at a restricted agricultural show, to take the action referred to in subsection (2).	Section 188 <i>Biosecurity Act 2014</i>	
Animal Management Officer Compliance Officer Environmental Health Officer	Power, as a receiver of a special designated animal at a place, to take the action referred to in subsection (2).	Section 190 <i>Biosecurity Act 2014</i>	
Animal Management Officer Compliance Officer Environmental Health Officer	Power, in the circumstances referred to in subsection (1), as a receiver of a special designated animal to advise an inspector of the circumstances in subsection (1).	Section 193(2) <i>Biosecurity Act 2014</i>	
Animal Management Officer Compliance Officer Environmental Health Officer	Power, to comply with all reasonable directions the inspector gives.	Section 193(3) <i>Biosecurity Act 2014</i>	
Animal Management Officer Compliance Officer Environmental Health Officer	Power, as a relevant person, to create a movement record for a designated animal and to give the record to the conveyor or drover of the animal.	Section 194(2) <i>Biosecurity Act 2014</i>	
Animal Management Officer Compliance Officer Environmental Health Officer	Power, as a relevant person, to keep and produce a movement record for a designated animal in accordance with the requirements of this section.	Section 197 <i>Biosecurity Act 2014</i>	
Animal Management Officer Compliance Officer Environmental Health Officer	Power, as person who receives a copy of a movement record, to keep and produce the copy of the movement record in accordance with the requirements of this section.	Section 198(2) and (7) <i>Biosecurity Act 2014</i>	
Animal Management Officer Compliance Officer Environmental Health Officer	Power, in the circumstances referred to in subsection (4) and as a person who accepts delivery of the animal at the end of the movement, to create, keep and produce a record complying with subsection (6).	Section 198(5) and (7) <i>Biosecurity Act 2014</i>	
Animal Management Officer Compliance Officer Environmental Health Officer	Power, as a person having responsibility for the organisation and operation of an agricultural show, to keep a record in the appropriate form for the designated animal.	Section 199 <i>Biosecurity Act 2014</i>	

STATE PENALTIES ENFORCEMENT ACT 1999

CEO TO CONTRACTOR TO EMPLOYEE OR CONTRACTOR BY COUNCIL DELEGATION

DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	CONDITIONS IN ADDITION TO THE STANDARD CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
Animal Management Officer Compliance Officer Environmental Health Officer	Power, as administering authority, to approve (or refuse where the conditions in this section have not been complied with) an application for payment of a fine by instalments.	Section 23 <i>State Penalties Enforcement Act 1999</i>	
Animal Management Officer Compliance Officer Environmental Health Officer	Power, as administering authority, to submit particulars required for registration of approval of instalment payments with the State Penalties Enforcement Registry.	Section 24(1) <i>State Penalties Enforcement Act 1999</i>	
Animal Management Officer Compliance Officer Environmental Health Officer	Power, as administering authority, to withdraw an infringement notice at any time before the fine is satisfied in full and take the steps required by subsection (2).	Sections 28(1) and (2) <i>State Penalties Enforcement Act 1999</i>	
Animal Management Officer Compliance Officer Environmental Health Officer	Power, as administering authority, to give the State Penalties Enforcement Registry a default certificate for registration in respect of any recipient of an infringement notice who has not taken action within the time period provided by the infringement notice.	Section 33(1) <i>State Penalties Enforcement Act 1999</i>	

STOCK ROUTE MANAGEMENT ACT 2002			
CEO TO CONTRACTOR TO EMPLOYEE OR CONTRACTOR BY COUNCIL DELEGATION			
DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	CONDITIONS IN ADDITION TO THE STANDARD CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
Animal Management Officer Compliance Officer Environmental Health Officer	Power to issue a fencing notice.	Section 149 <i>Stock Route Management Act 2002</i>	
Animal Management Officer Compliance Officer Environmental Health Officer	Power to give a mustering notice.	Section 156 <i>Stock Route Management Act 2002</i>	
Animal Management Officer Compliance Officer Environmental Health Officer	Power to manager and conserve pasture on its stock route network.	Section 160 <i>Stock Route Management Act 2002</i>	
Animal Management Officer Compliance Officer Environmental Health Officer	Power to require an owner to reduce the number of stock on the land.	Section 161(2) <i>Stock Route Management Act 2002</i>	
Animal Management Officer Compliance Officer Environmental Health Officer	Power to consent to the burning or removal of pasture.	Section 180 <i>Stock Route Management Act 2002</i>	

STOCK ROUTE MANAGEMENT ACT 2002			
CEO TO EMPLOYEE OR CONTRACTOR			
DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	CONDITIONS IN ADDITION TO THE STANDARD CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
Animal Management Officer Compliance Officer Environmental Health Officer	Power to enter land at any reasonable time to build or complete the building of the fence, or do anything necessary to make the fence stock-proof.	Section 152 <i>Stock Route Management Act 2002</i>	
Animal Management Officer Compliance Officer Environmental Health Officer	Power to determine whether it is reasonably necessary to muster stock on relevant land in its area to monitor compliance with— (a) a stock route agistment permit; or (b) a stock route travel permit.	Section 155 <i>Stock Route Management Act 2002</i>	
Animal Management Officer Compliance Officer Environmental Health Officer	Power to enter land at any reasonable time and muster the stock, if the holder does not comply with a mustering notice.	Section 158 <i>Stock Route Management Act 2002</i>	

STOCK ROUTE MANAGEMENT ACT 2002			
CEO TO EMPLOYEE OR CONTRACTOR			
DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	CONDITIONS IN ADDITION TO THE STANDARD CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
Animal Management Officer Compliance Officer Environmental Health Officer	Power to determine that sufficient pasture will not be available for travelling stock on the network.	Section 161 <i>Stock Route Management Act 2002</i>	
Animal Management Officer Compliance Officer Environmental Health Officer	Power to seize stray stock found on the stock route network in Council's area.	Section 167 <i>Stock Route Management Act 2002</i>	
Animal Management Officer Compliance Officer Environmental Health Officer	Power to give written notice of the seizure to the owner of the seized stock.	Section 168 <i>Stock Route Management Act 2002</i>	
Animal Management Officer Compliance Officer Environmental Health Officer	Power to release stock to a person entitled to possession, where the relevant fees are paid.	Section 169 <i>Stock Route Management Act 2002</i>	
Animal Management Officer Compliance Officer Environmental Health Officer	Power to sell seized stock by public auction or tender or dispose of seized stock in an appropriate manner.	Section 170 <i>Stock Route Management Act 2002</i>	
Animal Management Officer Compliance Officer Environmental Health Officer	Power to destroy the stock in an appropriate manner, where: (a) stock found on the stock route network are stray stock; and (b) it is not practicable to seize the stock under section 167; and (c) it is necessary to destroy the stock in the interests of public safety.	Section 172 <i>Stock Route Management Act 2002</i>	

TRANSPORT OPERATIONS (ROAD USE MANAGEMENT) ACT 1995			
CEO TO CONTRACTOR TO EMPLOYEE OR CONTRACTOR BY COUNCIL DELEGATION			
DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	CONDITIONS IN ADDITION TO THE STANDARD CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
Animal Management Officer Compliance Officer Environmental Health Officer	Power to remove and detain at a place for safe keeping any vehicles, trams and animals and any goods, equipment or thing contained in, on or about the vehicle, tram or animal, where the requirements of section 100(1) are satisfied.	Section 100 <i>Transport Operations (Road Use Management) Act 1995</i>	
Animal Management Officer Compliance Officer Environmental Health Officer	Power to regulate parking in its area on a road (other than a declared road), on a declared road (with the chief executive's written permission) or on an off-street regulated parking area.	Section 101(1) <i>Transport Operations (Road Use Management) Act 1995</i>	

TRANSPORT OPERATIONS (ROAD USE MANAGEMENT) ACT 1995			
CEO TO EMPLOYEE OR CONTRACTOR			
DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	CONDITIONS IN ADDITION TO THE STANDARD CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
Shire Overseer	Power to maintain and continue official traffic signs installed pursuant to section 71(1) where the chief executive officer is reasonably satisfied that there is a danger, hindrance, obstruction to traffic or other emergency.	Section 71 <i>Transport Operations (Road Use Management) Act 1995</i>	
Animal Management Officer Compliance Officer Environmental Health Officer	Power to take all the actions of the chief executive officer of a local government prescribed by section 100 of the <i>Transport Operations (Road Use Management) Act 1995</i> - for the removal of things from roads, including the giving of notice and determining the manner and terms of their disposal and the disposal of contents.	Section 100 <i>Transport Operations (Road Use Management) Act 1995</i>	

TRANSPORT OPERATIONS (ROAD USE MANAGEMENT—ACCREDITATION AND OTHER PROVISIONS) REGULATION 2015

CEO TO CONTRACTOR TO EMPLOYEE OR CONTRACTOR BY COUNCIL DELEGATION

DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	CONDITIONS IN ADDITION TO THE STANDARD CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
Animal Control Officer Compliance Officer Environmental Health Officer	Power to apply to an authorising officer for a special circumstances permit (e.g. to breach a provision of the Queensland Road Rules to serve an infringement notice).	Section 128(1) <i>Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2015</i>	

TRANSPORT OPERATIONS (ROAD USE MANAGEMENT—ROAD RULES) REGULATION 2009

CEO TO CONTRACTOR TO EMPLOYEE OR CONTRACTOR BY COUNCIL DELEGATION

DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	CONDITIONS IN ADDITION TO THE STANDARD CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
Animal Control Officer Compliance Officer Environmental Health Officer	Power to issue a commercial vehicle identification label for the purposes of stopping in a loading zone.	Section 179(1)(c) <i>Transport Operations (Road Use Management—Road Rules) Regulation 2009</i>	
Animal Control Officer Compliance Officer Environmental Health Officer	Power to issue a permit to lead more than one animal on a road.	Section 301(4) <i>Transport Operations (Road Use Management—Road Rules) Regulation 2009</i>	

TRANSPORT OPERATIONS (ROAD USE MANAGEMENT–VEHICLE REGISTRATION) REGULATION 2010

CEO TO CONTRACTOR TO EMPLOYEE OR CONTRACTOR BY COUNCIL DELEGATION

DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	CONDITIONS IN ADDITION TO THE STANDARD CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
Animal Control Officer Compliance Officer Environmental Health Officer	Power, as an eligible person, to request information about a vehicle from, and pay the relevant fee to, the chief executive.	Section 115(1) <i>Transport Operations (Road Use Management–Vehicle Registration) Regulation 2010</i>	

AUTHORISATIONS

ANIMAL MANAGEMENT (CATS AND DOGS) ACT 2008

Act / Regulation	Delegated Power	Authorisation	Section and Act	Authorised Employee
ANIMAL MANAGEMENT (CATS AND DOGS) ACT 2008	Power Retained By CEO <i>State Granted Power</i>	Appointed as an Authorised Person by the Chief Executive Officer under Section 104, 105, 106	<i>Animal Management (Cats and Dogs) Act 2008, Section 104 (2) (a)</i>	Authorised to Enforce Local Laws. <i>Compliance Officer</i> <i>Environmental Health Officer</i> <i>Animal Management Officer</i>

LOCAL GOVERNMENT ACT 2009

Act / Regulation	Delegated Power	Authorisation	Section and Act	Authorised Employee
LOCAL GOVERNMENT ACT 2009	Power Retained By CEO <i>State Granted Power</i>	Power to appoint a qualified person to be an authorised person.	<i>Section 202(1) Local Government Act 2009</i>	Authorised to Enforce Local Laws <i>Animal Management Officer</i> <i>Compliance Officer</i> <i>Environmental Health Officer</i>
	<ul style="list-style-type: none"> • Director Infrastructure Services • Director Organisational Business Services <i>State Granted Power</i>	Power to determine the competencies necessary to perform the responsibilities required to be performed by the authorised person.	<i>Section 202(2) Local Government Act 2009</i>	
	<i>Manager Governance & Risk State Granted Power</i>	Power to give written notice of conditions of appointment.	<i>Section 202(5) Local Government Act 2009</i>	
	<i>Manager Governance & Risk State Granted Power</i>	Power to issue an identity card to an authorised person.	<i>Section 204 Local Government Act 2009</i>	
	Power Retained By CEO <i>State Granted Power</i>	Power to authorise an employee of a local government to conduct searches or registers or documents about land in the land registry in accordance with the practice of the registry without payment of a fee.	<i>Section 265A (1) Local Government Act 2009</i>	<i>Land Tenure & Native Title Coordinator</i>

STATE PENALTIES ENFORCEMENT ACT 1999

Act / Regulation	Delegated Power	Authorisation	Section and Act	Authorised Employee
STATE PENALTIES ENFORCEMENT ACT 1999	Power Retained By CEO <i>State Granted Power</i>	Power to delegate Council's powers as administering authority under the <i>State Penalties Enforcement Act</i> to an appropriately qualified person.	<i>Section 160 State Penalties Enforcement Act 1999</i>	Authorised to Enforce Local Laws <i>Compliance Officer</i> <i>Animal Management Officer</i>

				<i>Environmental Health Officer</i>
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STOCK ROUTE MANAGEMENT ACT 2002

Act / Regulation	Delegated Power	Authorisation	Section and Act	Authorised Employee
STOCK ROUTE MANAGEMENT ACT 2002	Power Retained By CEO <i>State Granted Power</i>	Power to appoint an authorised person for the purposes of administering and enforcing the provisions of the <i>Stock Route Management Act 2002</i>	Section 244 <i>Stock Route Management Act 2002</i>	<i>Animal Management Officer</i> <i>Compliance Officer</i>
	Power Retained By CEO <i>State Granted Power</i>	Power to give a signed notice with or without conditions or a limit on the authorised person's powers.	Section 245 <i>Stock Route Management Act 2002</i>	<i>Environmental Health Officer</i> <i>Waste Management Coordinator</i>
	Manager Governance & Risk <i>State Granted Power</i>	Power to issue an identity card to an authorised person.	Section 246 <i>Stock Route Management Act 2002</i>	

WASTE REDUCTION & RECYCLING ACT 20111

Act / Regulation	Delegated Power	Authorisation	Section and Act	Authorised Employee
<u>WASTE REDUCTION AND RECYCLING ACT 2011</u>	Power Retained By CEO <i>Council Delegated Power</i>	Power, as delegate of the chief executive administering the Act, to appoint a person as an authorised person. ²	Section 183 <i>Waste Reduction and Recycling Act 2011</i> and	<i>Animal Management Officer</i> <i>Compliance Officer</i> <i>Environmental Health Officer</i> <i>Waste Management Coordinator</i>

¹ Environmental Protection Regulation 2008

Part 2 and Part 3 of the Regulation relate to Waste Management

Devolution of Chapter 5A Part 2 (Waste Management) & Part 3 (Waste Disposal) (s81ZS & 81ZT) from Chief Executive to Local Government (Environmental Protection Act s514)

Environmental Protection Act

514 (3) On the commencement of the regulation–

- (a) the local government becomes the administering authority for the devolved matter; and
- (b) the local government’s chief executive officer becomes the administering executive for the devolved matter; and
- (c) the administration and enforcement of the devolved matter is a function of local government to be performed by the local government for its area.

516 (1)(b) & (2) and 517(2) of the Act permits local governments to sub-delegated power to an employee or contractor

Council must delegate powers of the Chief Executive to the CEO

445(2) permits the CEO to appoint an authorised person under the EPA Act

Authorised persons can then exercise powers under s452, 453,455,456-466 of the Act AND

Section 42(b) of the Waste Reduction & Recycling Regulation provides that a local government employee is a prescribed person for section 183 (1)(c) of the Waste Reduction and Recycling Act (that is, a person prescribed under a regulation)

Matters devolved to a local government (EP Regulation Chapter 7 Part 1 Division 1)

- environmental nuisance - section 440 and 443 of the Act (to the extent it relates to environmental nuisance), including offences relating to nuisance
- noise standards - section 440Q and chapter 8, part 3B, division 3 of the Act, including the offence of contravening a noise standard under section 440Q
- water contamination - chapter 8, part 3C of the Act, including the offence of depositing prescribed water contaminants in waters under section 440ZG
- Waste (includes litter in definition) s13(4)(b) of EPA Act

As litter is included under the definition of Waste and Waste is devolved to a Local Government (as per above) sections 103 and 104 of the WR&R Act (Littering) are offences that can be dealt with by an Authorised Person under the EPA Act (s183)

State Penalties Enforcement Act

S160 allows the delegation of the administering authority’s powers to a qualified person.

CSC is the administering authority under the EPA Regulation for Waste (see above).

Therefore CSC can delegate powers under SPER to a qualified person.

² Any appointment of an authorised person must be subject to the limitation that an authorised person can only exercise the powers in section 117 and Chapter 10 of the Act in relation to the following offences:

- Chapter 5, Parts 1, 2 and 3, Division 1 and 2 of the Act;
- Section 251(a);
- Section 251(c);
- Section 254; and
- Section 264.