

S11 Instrument of Appointment and Authorisation



Ararat Rural City

Ararat Rural City Council

Instrument of Appointment and Authorisation

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In this Instrument 'officer' means –

Leigh Jeffrey – Planning Officer (PO1)
Lorna Munoz – Planning Officer (PO2)
Simon Glenister, Planning Officer (PO3)
Kerrilee Burns - Rates and Valuations Officer (RVO)
Ellen Fordham - Property Administration Officer (PAO)
Karissa Hogan - Financial Services Coordinator (FSC)
Katie Collins, Customer Services and Information Officer (CSIO1)
Janine Aubrey, Customer Services and Information Officer (CSIO2)
Nicole Gerrard, Customer Services and Information Officer (CSIO4)
Dee-Ann Collings, Customer Services and Information Officer (CSIO5)
Erin Hoffmann – Customer Services and Information Officer (CSIO6)
Izzy Laws – Customer Services and Information Officer (CSIO7)
Paula Davidson, Human Resources Business Partner (HRBP)
VACANT, Human Resources Officer (HRO)
Shaun Foy, Coordinator Strategic Asset Management & IT
Russell Day, Technical Officer Assets (TOA1)
Hanif Muhammad, Technical Officer – Assets (TOA2)
Kristi Sullivan, Emergency Management Coordinator (EMC)
Robert Fillisch – Manger Development & Regulation (MDR)
Craig Fletcher, Municipal Building Surveyor (MBS)
Ben Spiteri – Building and Pool Inspector (BPI)
Mary Galea, Environmental Health Officer (EHO5)
Lachlan Bejafield, Environmental Health Officer (EHO2)
Hannah Shanks-Colla, Environmental Health Officer (EHO1)
Sean La Fontaine, Environmental Health Officer (EHO3)
Anthony Komives, Environmental Health Officer (EHO4)
Tim Taylor, Civil Engineer (CE1)
VACANT, Civil Engineer (CE2)
Damith Yapa-Mudiyanselage, Civil Engineer (CE3)
VACANT, Community Liaison Officer (CLO)
Michelle Freeman Community Safety Officer (CSO4)
Danielle Jenkins, Community Safety Officer (CSO3)
Lyndon Turner, Community Safety Officer (CSO1)
Tom Sutton, Civil Works Trainee (CSO6)
Chandra Willmott, Governance and Risk Lead (GRL)
Charles Mason, Supervisor Road Construction (SRC)
Keith Johnson, Structural Works Coordinator (SWC)

By this Instrument of Appointment and Authorisation Ararat Rural City Council –

PART A

1. **under s 224 of the Local Government Act 1989 – appoints the officers to be authorised officers for the administration and enforcement of –**

Act	Officers	
	Title	Name
the <i>Building Act 1993</i>	Craig Fletcher	Municipal Building Surveyor
	Ben Spiteri	Building and Pool Inspector
	Robert Fillisch	Manager Development and Regulation
the <i>Country Fire Authority Act 1958</i>	Kristi Sullivan	Emergency Management Coordinator
	Chandra Willmott	Governance and Risk Lead
	Charles Mason	Supervisor Road Construction
	Keith Johnson	Structural Works Coordinator
	Michelle Freeman	Community Safety Officer
	Danielle Jenkins	Community Safety Officer
	Lyndon Turner	Community Safety Officer
	Kerrilee Burns	Rates and Valuations Officer
	Tom Sutton	Plant Operator
	Dee-Ann Collings	Customer Services and Information Officer
	Katie Collins	Customer Services and Information Officer
	Nicole Gerrard	Customer Services and Information Officer
	Janine Aubrey	Customer Services and Information Officer
	Erin Hoffman	Customer Services and Information Officer
the <i>Domestic Animals Act 1994</i>	Robert Fillisch	Manager Development and Regulation
	Michelle Freeman	Community Safety Officer
	Lyndon Turner	Community Safety Officer
	Danielle Jenkins	Community Safety Officer
	Kerrilee Burns	Rates and Valuations Officer
	Tom Sutton	Plant Operator
the <i>Emergency Management Act 2013</i>	Krisit Sullivan	Emergency Management Coordinator
	Chandra Willmott	Governance and Risk Lead
	Charles Mason	Supervisor Road Construction
	Keith Johnson	Structural Works Coordinator
	Paula Davidson	Human Resource Business Partner
	VACANT	Community Liaison Officer
	Janeen Williamson	Recreation Coordinator
	Danielle Jenkins	Community Safety Officer
	Lyndon Turner	Community Safety Officer
	Michelle Freeman	Community Safety Officer
the <i>Fire Services Property Levy Act 2012</i>	Karissa Hogan	Finance Services Coordinator
	Kerrilee Burns	Rates and Valuation Officer
	Ellen Fordham	Property Administration Officer
the <i>Food Act 1984</i>	Robert Fillisch	Manager Development and Regulation
	Mary Galea	Environmental Health Officer
	Lachlan Benjafield	Environmental Health Officer
	Hannah Shanks-Colla	Environmental Health Officer
	Sean La Fontaine	Environmental Health Officer

Act	Officers	
	Title	Name
	Anthony Komives	Environmental Health Officer
the <i>Graffiti Prevention Act 2007</i>	Shaun Foy	
	Charles Mason	
	Keith Johnson	
	Danielle Jenkins	
	Michelle Freeman	
	Lyndon Turner	
	Kerrilee Burns	
	Tom Sutton	
the <i>Housing Act 1983</i>	Craig Fletcher	
	Robert Fillisch	
	Ben Spiteri	
	Mary Galea	
	Lachlan Benjafield	
	Hannah Shanks-Colla	
	Sean La Fontaine	
	Anthony Komives	
the <i>Impounding of Livestock Act 1994</i>	Robert Fillisch	
	Michelle Freeman	
	Danielle Jenkins	
	Lyndon Turner	
	Kerrilee Burns	
	Tom Sutton	
the <i>Local Government Act 1989</i>	Craig Fletcher	
	Ben Spiteri	
	Robert Fillisch	
	Lorna Munoz	
	Chandra Willmott	
	Charles Mason	
	Ketih Johnson	
	Paula Davidson	
	Shaun Foy	
	Russell Day	
	Hanif Muhammad	
	Danielle Jenkins	
	Leigh Jeffrey	
	Lyndon Turner	
	Michelle Freeman	
	Tom Sutton	
	Dee-Ann Collings	
	Erin Hoffman	
	Izzy Laws	
	Katie Collins	
	Nicole Gerard	
	Janine Aubrey	
	Tim Taylor	
	VACANT	
	Damith Yapa	
	Mudiyanselage	
	Karissa Hogan	
	Kerrilee Burns	
	Kristi Sullivan	

Act	Officers	
	Title	Name
	Mary Galea	
	Lachlan Benjafield	
	Hannah Shanks-Colla	
	Sean La Fontaine	
	Anthony Komives	
the <i>Local Government Act 2020</i>	Craig Fletcher	
	Ben Spiteri	
	Robert Fillisch	
	Lorna Munoz	
	Chandra Willmott	
	Charles Mason	
	Ketih Johnson	
	Paula Davidson	
	Shaun Foy	
	Russell Day	
	Hanif Muhammad	
	Danielle Jenkins	
	Leigh Jeffrey	
	Lyndon Turner	
	Michelle Freeman	
	Tom Sutton	
	Dee-Ann Collings	
	Erin Hoffman	
	Izzy Laws	
	Katie Collins	
	Nicole Gerard	
	Janine Aubrey	
	Tim Taylor	
	VACANT	
	Damith Yapa	
	Mudiyanselage	
	Karissa Hogan	
	Kerrilee Burns	
	Kristi Sullivan	
	Mary Galea	
	Lachlan Benjafield	
	Hannah Shanks-Colla	
	Sean La Fontaine	
	Anthony Komives	
the <i>Public Health and Wellbeing Act 2008</i> ¹	Robert Fillisch	
	Mary Galea	
	Lachlan Benjafield	
	Hannah Shanks-Colla	
	Sean La Fontaine	
	Anthony Komives	
Part 14 of the <i>Residential Tenancies Act 1997</i>	Robert Fillisch	
	Mary Galea	
	Lachlan Benjafield	
	Hannah Shanks-Colla	
	Sean La Fontaine	

¹ Council only to appoint a person suitably qualified or trained under s 31(2) of the Act.

Act	Officers	
	Title	Name
	Anthony Komives	
the <i>Road Management Act 2004</i>	Charles Mason	
	Keith Johnson	
	Robert Fillisch	
	Tim Taylor	
	Vacant	
	Damith Yapa	
	Mudiyanselage	
	Michelle Freeman	
	Lyndon Turner	
	Kerrilee Burns	
	Tom Sutton	
the <i>Sex Work Act 1994</i>	Robert Fillisch	
the <i>Summary Offences Act 1966</i>	Robert Fillisch	
	Michelle Freeman	
	Danielle Jenkins	
	Lyndon Turner	
	Kerrilee Burns	
	Tom Sutton	
	Mary Galea	
	Lachlan Benjfield	
	Hannah Shanks-Colla	
	Sean La Fontaine	
	Anthony Komives	
the <i>Tobacco Act 1987</i> ²	Robert Fillisch	
	Michelle Freeman	
	Danielle Jenkins	
	Lyndon Turner	
	Kerrilee Burns	
	Tom Sutton	
	Mary Galea	
	Lachlan Benjfield	
	Hannah Shanks-Colla	
	Sean La Fontaine	
	Anthony Komives	
the <i>Valuation of Land Act 1960</i>	Keerilee Burns	

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;

PART B

² 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 S 36AA). An EHO appointed under the Act is also regarded as an inspector under the Act.

No	Act and Authorisation	Officers	
		Title	Name
2	under s 3 of the <i>Building Act 1993</i> – appoints the officer to be Municipal Building Surveyor for the purposes of the <i>Building Act 1993</i> .	Craig Fletcher	Municipal Building Surveyor
		VACANT	Contract Building Inspector
3	under s 96A(1)(a) of the <i>Country Fire Authority Act 1958</i> – appoints the officer to be the fire prevention officer.	Kristi Sullivan	Emergency Management Coordinator
		Chandra Willmott	Governance and Risk Lead
4	under s 96A(1)(b) of the <i>Country Fire Authority Act 1958</i> – appoints the officers to be assistant fire prevention officers.	Michelle Freeman	Community Safety Officer
		Danielle Jenkins	Community Safety Officer
		Lyndon Turner	Community Safety Officer
		Dee-Ann Collings	Customer Services and Information Officer
		Katie Collins	Customer Services and Information Officer
		Nicole Gerrard	Customer Services and Information Officer
		Janine Aubrey	Customer Services and Information Officer
		Izzy Laws	Customer Services and Information Officer
		Erin Hoffman	Customer Services and Information Officer
5	under s 72 of the <i>Domestic Animals Act 1994</i> – appoints the officers to be Council authorised officers for the purposes of the <i>Domestic Animals Act 1994</i> .	Robert Fillisch	Manager Development and Regulation
		Michelle Freeman	Community Safety Officer
		Danielle Jenkins	Community Safety Officer
		Lyndon Turner	Community Safety Officer
		Kerrilee Burns	Rates and Valuations Officer
		Tom Sutton	Civil Works Trainee
6	under s 59G(1) of the <i>Emergency Management Act 2013</i> – appoints the officers to be municipal emergency management officers	Kristi Sullivan	Emergency Management Coordinator
		Chandra Willmott	Emergency Management Officer
		Leigh Jeffery	Emergency Management Officer
		Rebecca Rodgers	Emergency Management Officer
7	under s 59H(1) of the <i>Emergency Management Act 2013</i> – appoints the officers to be municipal recovery managers	Vacant	Community Liaison Officer
		Paula Davidson	Human Resources Business Partner
		Janeen Williamson	Recovery Manager
		Paul Fenn	Recovery Manager
8	under s 114(2) of the <i>Environment Protection Act 2017</i> – appoints the officers to be litter enforcement officers for the purposes of the <i>Environment Protection Act 2017</i> . ³	Robert Fillisch	Manager Development and Regulation
		Mary Galea	Environmental Health Officer
		Lachlan Benjafield	Environmental Health Officer
		Hannah Shanks-Colla	Environmental Health Officer
		Sean La Fontaine	Environmental Health Officer
		Anthony Komives	Environmental Health Officer
		Michelle Freeman	Community Safety Officer
		Danielle Jenkins	Community Safety Officer
		Lyndon Turner	Community Safety Officer

³ Litter enforcement officer must be a member of Council staff (see s 114(2)).

No	Act and Authorisation	Officers	
		Title	Name
		Kerrilee Burns	Rates and Valuations Officer
		Tom Sutton	Civil Works Trainee
9	under s 171 of the <i>Environment Protection Act 2017</i> – appoints the officers to be residential noise enforcement officers for the purposes of s 171 of the <i>Environment Protection Act 2017</i> . ⁴	Robert Fillisch	Manager Development and Regulation
		Mary Galea	Environmental Health Officer
		Lachlan Benjafield	Environmental Health Officer
		Hannah Shanks-Colla	Environmental Health Officer
		Sean La Fontaine	Environmental Health Officer
		Anthony Komives	Environmental Health Officer
		Michelle Freeman	Community Safety Officer
		Danielle Jenkins	Community Safety Officer
		Lyndon Turner	Community Safety Officer
		Kerrilee Burns	Rates and Valuations Officer
		Tom Sutton	Civil Works Trainee
10	Under s 347(3) of the <i>Environmental Protection Act 2017</i> – appoints the officers for the purposes of r 171 of the <i>Environment Protection Regulations 2021</i> relating to on-site waste water management systems.	Robert Fillisch	Manager Development and Regulation
		Mary Galea	Environmental Health Officer
		Lachlan Benjafield	Environmental Health Officer
		Hannah Shanks-Colla	Environmental Health Officer
		Sean La Fontaine	Environmental Health Officer
		Anthony Komives	Environmental Health Officer
		Michelle Freeman	Community Safety Officer
		Danielle Jenkins	Community Safety Officer
		Lyndon Turner	Community Safety Officer
		Kerrilee Burns	Rates and Valuations Officer
		Tom Sutton	Civil Works Trainee
11	under s 23 of the <i>Fire Services Property Levy Act 2012</i> – appoints the officers to be authorised officers for the purposes of the <i>Fire Services Property Levy Act 2012</i> . ⁵	Karissa Hogan	Financial Services Coordinator
		Kerrilee Burns	Rate and Valuations Officer
12	for the purposes of s 20 of the <i>Food Act 1984</i> – appoints the officers to be authorised officers for the purposes of the <i>Food Act 1984</i> . ^{6,7}	Robert Fillisch	Manager Development and Regulation
		Mary Galea	Environmental Health Officer
		Lachlan Benjafield	Environmental Health Officer
		Hannah Shanks-Colla	Environmental Health Officer
		Sean La Fontaine	Environmental Health Officer
		Anthony Komives	Environmental Health Officer
13	under s 19(1) of the <i>Graffiti Prevention Act 2007</i> – appoints the officers to be authorised persons for the purposes of carrying out Council's functions under s 18. ⁸	Robert Fillisch	Manager Development and Regulation
		Michelle Freeman	Community Safety Officer
		Danielle Jenkins	Community Safety Officer

⁴ Residential noise enforcement officer must be a member of Council staff (see s 171(1)).

⁵ 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).

⁶ Council must be satisfied that the person appointed is suitably qualified or trained to be an authorised officer.

⁷ EHOs appointed under s 29 of the *Public Health and Wellbeing Act 2008* are regarded as an authorised officer for the purposes of the *Food Act 1984*.

⁸ Authorised person must agree in writing to exercise functions and powers of an authorised person under Part 4 of the Act and in accordance with any performance criteria determined by Council (see s 19(2)).

No	Act and Authorisation	Officers	
		Title	Name
		Lyndon Turner	Community Safety Officer
		Kerrilee Burns	Rates and Valuations Officer
		Tom Sutton	Civil Works Trainee
14	under s 71(1) of the <i>Housing Act 1983</i> – appoints the officer to be an authorised person for the purposes of entering a house or building and conducting an inspection under s 71 of the <i>Housing Act 1983</i> .	Craig Fletcher	Municipal Building Surveyor
		VACANT	Contract Building Inspector
		Ben Spiteri	Building and Pool Inspector
		Robert Fillisch	Manager Development & Regulation
		Mary Galea	Environmental Health Officer
		Lachlan Benjafield	Environmental Health Officer
		Hannah Shanks-Colla	Environmental Health Officer
		Sean La Fontaine	Environmental Health Officer
		Anthony Komives	Environmental Health Officer
15	under s 3 of the <i>Infringements Act 2006</i> – appoints the officer to be an issuing officer for the purposes of the <i>Infringements Act 2006</i> .	Robert Fillisch	Manager Development and Regulation
16	under s 150 of the <i>Local Government Act 2020</i> – appoints the officer to be the Councillor Conduct Officer. ⁹	Chandra Willmott	Governance and Risk Lead
17	under s 29 of the <i>Public Health and Wellbeing Act 2008</i> – appoints the officers to be Environmental Health Officers ¹⁰ for the purposes of enforcing the <i>Public Health and Wellbeing Act 2008</i> and the <i>Food Act 1984</i> .	Mary Galea	Environmental Health Officer
		Lachlan Benjafield	Environmental Health Officer
		Hannah Shanks-Colla	Environmental Health Officer
		Sean La Fontaine	Environmental Health Officer
		Anthony Komives	Environmental Health Officer
18	under s 525(2) of the <i>Residential Tenancies Act 1997</i> – appoints the officers to exercise the powers set out in s 526 of the <i>Residential Tenancies Act 1997</i> .	Robert Fillisch	Manager Development and Regulation
		Mary Galea	Environmental Health Officer
		Lachlan Benjafield	Environmental Health Officer
		Hannah Shanks-Colla	Environmental Health Officer
		Sean La Fontaine	Environmental Health Officer
		Anthony Komives	Environmental Health Officer
19	under s 71(3) of the <i>Road Management Act 2004</i> – appoints the officers to be authorised officers for the purposes of the <i>Road Management Act 2004</i> .	Shaun Foy	Coordinator Strategic Asset Management & IT
		Robert Fillisch	Manager Development & Regulation
		Russell Day	Technical Officer Assets
		Hanif Muhammad	Technical Officer Assets
		Tim Taylor	Civil Engineer
		Vacant	Civil Engineer
		Dameith Yapa--Mudiyansele,	Civil Engineer
20	under s 59(1)(a)(ii) of the <i>Road Safety Act 1986</i> – authorises the officers to exercise the powers	Dameith Yapa--Mudiyansele,	Civil Engineer

⁹ Only an 'eligible person' may be appointed.

¹⁰ Council must be sure that the EHO is suitably trained or qualified under s 31(2) of the *Public Health and Wellbeing Act 2008*.

No	Act and Authorisation	Officers	
		Title	Name
	under s 59(1)(a) of that Act.	Robert Fillisch	Manager Development & Regulation
		Tim Taylor	Civil Engineer
		Vacant	Civil Engineer
21	under s 59(1)(d) of the <i>Road Safety Act 1986</i> – authorises the officers to exercise the powers under s 59(1)(d) of the <i>Road Safety Act 1986</i> .	Robert Fillisch	Manager Development & Regulation
		Tim Taylor	Civil Engineer
		Vacant	Civil Engineer
		Dameith Yapa--Mudiyansele,	Civil Engineer
22	under s 87(1A) of the <i>Road Safety Act 1986</i> – authorises the officer to exercise the power in s 87(1A) of the <i>Road Safety Act 1986</i> . ¹¹	Robert Fillisch	Manager Development & Regulation
		Tim Taylor	Civil Engineer
		Vacant	Civil Engineer
		Dameith Yapa--Mudiyansele,	Civil Engineer
23	under s 87(1B)(c) of the <i>Road Safety Act 1986</i> – authorises the officer to exercise the power in s 87(1B)(c) of the <i>Road Safety Act 1986</i> .	Robert Fillisch	Manager Development & regulation
		Tim Taylor	Civil Engineer
		Vacant	Civil Engineer
		Dameith Yapa--Mudiyansele,	Civil Engineer
24	under r 79(1)(b) of the <i>Road Safety (General) Regulations 2019</i> – authorises the officers for the purposes of filing a charge or an offence under s 90E of the <i>Road Safety Act 1986</i> or under a regulation under that Act.	Robert Fillisch	Manager Development & Regulation
		Tim Taylor	Civil Engineer
		Vacant	Civil Engineer
		Dameith Yapa--Mudiyansele,	Civil Engineer
25	under r 5 of the <i>Road Safety (Traffic Management) Regulations 2019</i> – authorises the officers for the purposes of r 14 of the <i>Road Safety (Traffic Management) Regulations 2019</i> .	Robert Fillisch	Manager Development & Regulation
26	under s 3(1) of the <i>Sex Work Act 1994</i> – appoints the officer to be an authorised officer of the responsible authority for the purposes of enforcing Parts 4 and 5 of the <i>Sex Work Act 1994</i> .	Robert Fillisch	Manager Development and Regulation

PART C

27 under –

s 313 of the *Local Government Act 2020*¹²

s 527 of the *Residential Tenancies Act 1997*

s 77(2)(b) of the *Road Safety Act 1986*¹³

¹¹ Council must ensure that a person appointed under s 87 is competent, of good repute and character and has agreed in writing to exercise the functions conferred on an authorised person (see s 87(1C) of the Act).

¹² 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*).

s 77(4) of the *Road Safety Act 1986* ##Note – only where Council is a Committee of Management under the *Crown Land (Reserves) Act 1978*

s 170(2), 170(4), 170(6) of the *Environment Protection Act 2017* ##Note – only relates to enforcement of unreasonable and aggravated noise

s 347(4) of the *Environment Protection Act 2017* ##Note – only relates to an offence against a provision of Part 6.3 of the Act (litter and other waste)

s 347(3) of the *Environment Protection Act 2017* and r 171 of the *Environment Protection Regulations 2021* ##Note – for specified offences relating to on-site wastewater management systems

s 241 of the *Building Act 1993*

s 92 of the *Domestic Animals Act 1994*¹⁴

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 -

- comes into force immediately upon its execution;
- remains in force until varied or revoked.

This Instrument is made by the Chief Executive Officer of Ararat 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 27 July 2021.



Dr Tim Harrison
Chief Executive Officer
Ararat Rural City Council

3 November 2023

¹³ 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*.

¹⁴ Council may only appoint an authorised officer who is also appointed under s 72 of the Act.