

Please address all communications to:
The General Manager
240 Blende Street
PO Box 448
Broken Hill NSW 2880
Phone 08 8080 3300
Fax 08 8080 3424
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ABN 84 873 116 132

March 31, 2021

ORDINARY MEETING OF THE COUNCIL MEETING

TO BE HELD

WEDNESDAY, MARCH 31, 2021

SUPPLEMENTARY AGENDA NO. 1

JAY NANKIVELL
ACTING GENERAL MANAGER

FURTHER BUSINESS

1. MAYORAL MINUTE NO. 3/21 - DATED MARCH 31, 2021 - ASSIGNMENT OF DELEGATIONS TO THE GENERAL MANAGER (12/82) 3

ORDINARY MEETING OF THE COUNCIL

March 31, 2021

ITEM 1MAYORAL MINUTE NO. 3/21

SUBJECT: ASSIGNMENT OF DELEGATIONS TO THE GENERAL MANAGER
12/82

Summary

Following the final interviews for the position of General Manager held on 31 March 2021, Council resolved that the Mayor and Deputy Mayor negotiate with the preferred candidate, I advise that negotiations are finalised with contracts signed and Mr Jay Nankivell will commence in the position of General Manager on 1 April 2021

As part of the appointment process, Council must also resolve that the appropriate Delegation of Authority and Authorised Officer Instruments be issued by Broken Hill City Council to the General Manager; this will ensure that Mr Nankivell is able to carry out all duties and functions of the position of General Manager from the commencement of the contract of employment on 1 April 2021.

Delegations are made under Part 3 Delegation of function of the *Local Government Act 1993*. Section 377 of the Act (General power of the council to delegate) states that:

- (1) *A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council, other than the following:*
- (a) the appointment of a general manager,*
 - (b) the making of a rate,*
 - (c) a determination under section 549 as to the levying of a rate,*
 - (d) the making of a charge,*
 - (e) the fixing of a fee,*
 - (f) the borrowing of money,*
 - (g) the voting of money for expenditure on its works, services or operations,*
 - (h) the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),*
 - (i) the acceptance of tenders to provide services currently provided by members of staff of the council,*
 - (j) the adoption of an operational plan under section 405,*
 - (k) the adoption of a financial statement included in an annual financial report,*
 - (l) a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,*
 - (m) the fixing of an amount or rate for the carrying out by the council of work on private land,*
 - (n) the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work,*
 - (o) the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the Environmental Planning and Assessment Act 1979 ,*

- (p) the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194,*
- (q) a decision under section 356 to contribute money or otherwise grant financial assistance to persons,*
- (r) a decision under section 234 to grant leave of absence to the holder of a civic office,*
- (s) the making of an application, or the giving of a notice, to the Governor or Minister,*
- (t) this power of delegation,*
- (u) any function under this or any other Act that is expressly required to be exercised by resolution of the council.*

(1A) Despite subsection (1), a council may delegate its functions relating to the granting of financial assistance if –

- (a) the financial assistance is part of a specified program, and*
- (b) the program is included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and*
- (c) the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and*
- (d) the program applied uniformly to all persons within the council's area or to a significant proportion of all the persons within the council's area.*

(2) A council may, by resolution, sub-delegate to the general manager or any other person or body (not including another employee of the council) any function delegated to the council by the Departmental Chief Executive except as provided by the instrument of delegation to the council.

(3) A Council may delegate functions to a joint organisation only with the approval, by resolution, of the board of the joint organisation.

In addition, Section 378 (Delegations by the general manager) of the Act also provides that:

- (1) The general manager may delegate any of the functions of the general manager, other than this power of delegation.*
- (2) The general manager may sub-delegate a function delegated to the general manager by the council to any person or body (including another employee of the council).*
- (3) Subsection (2) extends to a function sub-delegated to the general manager by the council under section 377 (2).*

The delegations and authorisations will facilitate the full efficient and effective management and administration of Council's day to day operations.

Recommendation

1. That Mayoral Minute No. 3/21 dated March 31, 2021, be received.
2. That the General Manager's Delegations of Authority and Authorisations pursuant to *Part 3 of the Local Government Act 1993 Sections 377 and 381* be issued to Mr Jay Nankivell to commence on 1 April 2021.
3. That the role of Acting General Manager during periods when the General Manager is sick or otherwise on leave, be a decision for the General Manager in consultation with the Mayor; with the Acting General Manager being issued the General Manager's

Delegations of Authority and Authorisations pursuant to *Part 3 of the Local Government Act 1993 Sections 377 and 381* for the periods of the General Manager's leave.

Attachments

1. [↓](#) Template of the Delegation of Authority to the General Manager
2. [↓](#) Template of the Authorised Officer Appointments to the General Manager

D TURLEY AM
MAYOR

BROKEN HILL
CITY COUNCIL

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BROKEN HILL CITY COUNCIL

INSTRUMENT OF DELEGATION

TO GENERAL MANAGER

On XXXXXXX the Broken Hill City Council ("**Council**") resolved that:

1. All previous delegations of Functions the subject of this Instrument be revoked.
2. The person who from time to time holds the position of General Manager of Council ("**General Manager**"), being at the date of this instrument XXXXXXXXXXXX, be delegated authority under section 377 of the LG Act, to exercise and/or perform on behalf of Council the Council's Functions under all Legislation in force and as amended from time to time:
 - 2.a **Subject to** any condition or limitation on a Function specified in Schedule 1; and
 - 2.b **Excluding** those Functions:
 - i. that are expressly prohibited from delegation as listed under Section 377 of the LG Act;
 - ii. which are expressly required by legislation to be exercised by a resolution of the Council.
3. The General Manager be sub-delegated authority to exercise and/or perform on behalf of Council the Functions delegated to the Council under, and in accordance with, the instrument of delegation to the Council set out in **Schedule 2, excluding** those Functions which pursuant to the terms of the delegation to the Council may not be sub-delegated.

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4. The General Manager be conferred authority to carry out the Policy Authorities listed in **Schedule 3** and undertake any administrative actions necessary to carry out those Policy Authorities.
5. The General Manager be delegated any Function which is taken to be conferred or imposed on the Council pursuant to section 381(1) of the LG Act.
6. In the absence of the General Manager that a person appointed by resolution to act as General Manager assume all Functions, delegations, and sub-delegations of the General Manager for the period only of the absence of the General Manager unless otherwise resolved by the Council.
7. These delegations and authorities are subject to, and are to be exercised in accordance with:
 - a.a the requirements of the relevant Legislation;
 - a.b any conditions or limitations set out in **Schedule 1** and **Schedule 3**; and
 - a.c any resolution or policy, procedure or budget adopted from time to time by the Council.
8. These delegations and authorities are effective from the date of the Resolution of the Council and remain in force until amended or revoked by a resolution of the Council.
9. In this delegation:
 - o **"Functions"** means powers, authorities, duties and functions and anything ancillary or related to the exercise or performance thereof.
 - o **"Legislation"** means legislation enacted by the parliament of New South Wales and the parliament of the Commonwealth of Australia, including an Act, regulation made under an Act, by-law, rule or ordinance.
 - o **"LG Act"** means the *Local Government Act 1993* as amended.

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Schedule 1: Limitations

Part A – Limitations applicable to specific statutory Function (if any)	
Legislation	Limitation (if any)
N/A	N/A
Part B – General Limitations	
N/A	

Schedule 2: Instruments of Delegation to Council

Delegator	Instrument Name	Date Of Instrument
Minister for Planning and Infrastructure	Making of Local Environmental Plans (LEP's)	Wednesday, 26 February 2014

Schedule 3: Policy Authorities

Code	Policy Authority	Conditions / Limitations (if any)
Authority to Approve Payments	Authority to certify electronic funds transfers, sign cheques and sign vouchers on behalf of Council to the limits authorised.	N/A
Authority to Approve Purchases	Authority to authorise the purchase of goods and services to the spend limit and purchasing card limit allocated to the position within the area of budget responsibility.	N/A
Authority to General Manager to Write Off Debts	Authority to the General Manager to write off debts (including but not limited to rates, charges, interest and sundry debts) to the	N/A

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	value of \$5,000 for any individual rate, charge or transaction (Minute No. 44690 Council Meeting 25/06/2014).	
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Pursuant to a Resolution of the Council at its meeting of XXXXXXXXXXXXXXXXXXXX,

Minute Number XXXXXXXX of Extraordinary Council Meeting held XXXXXXXXXXXXX to appoint XXXXXXXXXXXXX as General Manager from XXXXXXXXXXXXXXX.

Darriea Turley AM
Mayor

Date: _____

Review date:

GENERAL MANAGER'S ACKNOWLEDGEMENT OF DELEGATIONS OF AUTHORITY

I, XXXXXXXXXXXXX, currently employed by the Council in the position of General Manager, do hereby acknowledge that I have read and understood this Instrument of Delegation and that I will perform these delegations and authorities in accordance with this Instrument of Delegation and my position description.

General Manager
Broken Hill City Council

Date: _____

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BROKEN HILL CITY COUNCIL

ABN 84 873 116 132

INSTRUMENT OF APPOINTMENT

XXXXXXXXXXXXXXXXXX

In accordance with the power delegated by Broken Hill City Council ("**Council**") to me Darriea Turley AM as the Mayor of the Council, on XXXXXXXXXXXX (Minute Number XXXXXXXX) I do hereby authorise that:

1. revoke all previous appointments for XXXXXXXXXXXX; and
2. am satisfied that XXXXXXXXXXXX has appropriate qualifications or experience to exercise the functions of the position(s) to which the Appointee is appointed in section 3 below.
3. appoint XXXXXXXXXXXX to the following appointment(s), subject to the following conditions / limitations (if any):

Authorised Person Type	Condition / Limitation
Appropriate Officer Authorised by the council (the appropriate roads authority) under section 142 of the Road Transport Act 2013.	
Authorised Employee (Crown Land Management Act 2016) Authorised by the Council pursuant to s9.12(1)(b) Crown Land Management Act 2016	

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<p>Authorised Officer (Companion Animals Act 1998) within the meaning of the Companion Animals Act 1998</p>	
<p>Authorised Officer (Food Act 2003) pursuant to section 114 of the Food Act 2003.</p>	
<p>Authorised Officer (Protection of the Environment Operations Act 1997) pursuant to section 187 of the Protection of the Environment Operations Act 1997.</p>	
<p>Authorised Officer (Public Health Act 2010) pursuant to section 126 of the Public Health Act 2010</p>	
<p>Authorised Officer (Roads Act 1993) pursuant to section 251 of the Roads Act 1993</p>	
<p>Authorised Officer (Rural Fires Act 1997) pursuant to the dictionary and section 131(6) of the <i>Rural Fires Act 1997</i> and clause 48(2)(b) of the <i>Rural Fires Regulation 2013</i>.</p>	
<p>Authorised Officer (Swimming Pools Act 1992) pursuant to section 27 of the Swimming Pools Act 1992.</p>	
<p>Authorised Officer (Weeds Only) (Biosecurity Act 2015) pursuant to section 372(1) of the Biosecurity Act 2015</p>	
<p>Authorised Person (Environmental Planning and Assessment Act 1979) for the purposes of s.9.58 (Penalty Notices for certain offences) of the EP&A Act and cl.284(3) of the EP&A Regulation.</p>	
<p>Authorised Person (Impounding Act 1993) pursuant to section 41 of the Impounding Act 1993</p>	

<p>Authorised Person (Local Government Act 1993) within the meaning of the <i>Local Government Act 1993</i>.</p>	
<p>Authorised Person (Paper Subdivisions EP&A Act) pursuant to clause 15 Schedule 7 (Paper Subdivisions) of the <i>Environmental Planning & Assessment Act 1979</i>.</p>	
<p>Authorised Person (Trees (Disputes Between Neighbours) Act 2006) pursuant to section 17 of the Trees (Disputes Between Neighbours) Act 2006</p>	
<p>Authority to enter land (Pesticides Act 1999) s35 of the Pesticides Act 1999</p>	
<p>Authority to enter land (Water Management Act 2000) s296 of the Water Management Act 2000</p>	
<p>Authority to enter land etc (Boarding Houses Act 2012) pursuant to Part 2 Division 4 of the Boarding Houses Act 2012</p>	
<p>Authority to enter land etc (Local Government Act 1993) pursuant to Chapter 8 Part 2 of the Local Government Act 1993.</p>	
<p>Council Investigation Officer (Environmental Planning and Assessment Act 1979) s9.14 (Appointment of investigation officers) Environmental Planning and Assessment Act 1979</p>	
<p>Designated Person designated by the General Manager for the purposes of clause 175(1)(a) of the Local Government (General) Regulation 2005.</p>	
<p>Enforcement Officer (Plumbing and Drainage Act 2011)</p>	

pursuant to section 23 of the Plumbing and Drainage Act 2011	
Enforcement Officer (Protection of the Environment Operations Act 1997) pursuant to section 226 of the Protection of the Environment Operations Act 1997 and clause 81 of the Protection of the Environment Operations (General) Regulation 2009.	
Impounding Officer (Impounding Act 1993) within the meaning of the Impounding Act 1993	
Inspector (Plumbing and Drainage Act 2011) pursuant to section 22 of the Plumbing and Drainage Act 2011	
Native Title Manager (Crown Land Management Act 2016) Employed or engaged by Council (in its capacity as the person responsible for land under the <i>Crown Land Management Act 2016</i>) as required by section 8.6 of the <i>Crown Land Management Act 2016</i> .	
Public Officer (Local Government Act 1993) pursuant to section 342 of the Local Government Act 1993	
Responsible Accounting Officer pursuant to clause 196 of the <i>Local Government (General) Regulation 2005</i> .	

unless revoked or varied, for as long as he or she holds, or is assigned to an office or position with Broken Hill City Council.

Darriea Turley AM
Mayor of Broken Hill City Council

Date: _____

AUTHORISED PERSON APPOINTEE ACKNOWLEDGEMENT OF APPOINTMENT

I, XXXXXXXXXXXXXX, currently employed by Broken Hill City Council (“**The Council**”) in the position of General Manager, do hereby acknowledge that I have read and understood this Instrument of Appointment, and that I will perform my duties within the boundaries of this/these appointment/s and in accordance with my position description. I acknowledge this/these appointments are effective unless revoked only while I remain in this position.

XXXXXXXXXXXXXX
General Manager

Date: _____

Review date:

Local Government Act 1993

The holder of this Authority is empowered under Chapter 8 Part 2 of the *Local Government Act 1993* (“**LG Act**”):

1. to enter any premises at any reasonable hour in the daytime or at any hour during which business is in progress or is usually carried on at the premises (s191).
2. enter any premises (other than premises comprising a National Parks and Wildlife reserve) to carry out water supply work, sewerage work or stormwater drainage work on or under the premises (being work that the council is authorised to carry out) (s191A).
3. to inspect the premises and any food, vehicle, article, matter or thing on the premises and for the purpose of an inspection (s192):
 - a. open any ground and remove any flooring and take such measures as may be necessary to ascertain the character and condition of the premises and of any pipe, sewer, drain, wire or fitting;
 - b. require the opening, cutting into or pulling down of any work if the person authorised has reason to believe or suspect that anything on the premises has been done in contravention of this Act or the regulations;
 - c. take measurements, make surveys and take levels and, for those purposes, dig trenches, break up the soil and set up any posts, stakes or marks;
 - d. require any person at those premises to answer questions or otherwise furnish information in relation to the matter the subject of the inspection or investigation;
 - e. examine and test any meter;
 - f. measure a supply of water;
 - g. take samples or photographs in connection with any inspection.

Subject to the following conditions / limitations:

The exercise of any of the above functions is subject to the conditions / limitations in the LG Act and the following conditions / limitations specified on the holder’s Instrument of Authorisation: ...

These powers extend to all premises in the Council’s area, subject to the limitations in the LG Act.

Environmental Planning and Assessment Act 1979

The holder of this Identification Card is empowered under Part 9 Division 9.2 of the *Environmental Planning and Assessment Act 1979* (“**EP&A Act**”) to exercise the functions of an Investigation Officer appointed under s9.14 of the EP&A Act subject

to the conditions / limitations in the EP&A Act and the following conditions / restrictions or limited purposes specified on the holder's Instrument of Appointment: ...

Biosecurity Act 2015

The holder of this Identification Card is empowered under Part 22 of the *Biosecurity Act 2015* to exercise the functions of an Authorised Officer appointed under s372 of the *Biosecurity Act 2015* subject to the conditions / limitations in the *Biosecurity Act 2015* and the following conditions / restrictions or limited purposes specified on the holder's Instrument of Appointment: ...

Boarding Houses Act 2012

The holder of this Authority is empowered under Part 2 Division 4 of the *Boarding Houses Act 2012* to:

1. enter the premises of a registered boarding house, including any part of the premises used for residential purposes, for the purpose of conducting an initial compliance investigation. An initial compliance investigation is an investigation into whether a registered boarding house complies with requirements imposed by or under the *Local Government Act 1993* ("**LG Act**") and the *Environmental Planning and Assessment Act 1979* ("**EP&A Act**") with respect to the use of the boarding house, including (but not limited to):
 - a. requirements in relation to building and fire safety, and
 - b. relevant standards or requirements for places of shared accommodation for the purposes of Order No 5 (d) in the Table to section 124 of the LG Act(s17).
2. inspect the premises and any food, vehicle, article, matter or thing on the premises and for the purpose of an inspection:
 - a. open any ground and remove any flooring and take such measures as may be necessary to ascertain the character and condition of the premises and of any pipe, sewer, drain, wire or fitting, and
 - b. require the opening, cutting into or pulling down of any work if the person authorised has reason to believe or suspect that anything on the premises has been done in contravention of the LG Act or the EP&A Act (or the regulations or other instruments under those Acts), and
3. take measurements, make surveys and take levels and, for those purposes, dig trenches, break up the soil and set up any posts, stakes or marks, and
4. require any person at those premises to answer questions or otherwise furnish information in relation to the matter the subject of the inspection or investigation, and
5. take samples or photographs in connection with any inspection (s18).

Subject to the following conditions / limitations:

The exercise of any of the above functions is subject to the conditions / limitations in the *Boarding Houses Act 2012* and the following conditions / limitations specified on the holder's Instrument of Authorisation:

These powers extend to all premises in the Council's area, subject to the limitations in the *Boarding Houses Act 2012*.

Protection of the Environment Operations Act 1997

The holder of this Identification Card is empowered to exercise the functions of [an Authorised Officer appointed under section 187 of the *Protection of the Environment Operations Act 1997* ("**PoEO Act**") and/or as an Enforcement Officer appointed under section 226 of the *Protection of the Environment Operations Act 1997* ("**PoEO Act**")] subject to the conditions / limitations in the PoEO Act and the following conditions / limitations specified on the holder's Instrument of Appointment: ...

Roads Act 1993

The holder of this Certificate of Authority is empowered as an Authorised Officer under Part 11 Division 1 of the *Roads Act 1993* to:

1. enter any land during daylight hours, except in an emergency (s164);
2. inspect the land;
3. for the purposes of an inspection, dig up any ground and take such measures as are necessary to ascertain the character and condition of the land and of any building, structure or work that is situated in, on or over the land;

4. make surveys and take levels and, for those purposes, may dig trenches, break up the soil and set up any posts, stakes or marks, and
5. take samples or photographs in connection with any inspection (s165).

Subject to the following conditions / limitations:

The exercise of any of the above functions is subject to the conditions/ limitations in the *Roads Act 1993* and the following conditions / limitations specified on the holder's Instrument of Appointment:

These powers extend to all land in the Council's area, subject to the limitations in the *Roads Act 1993*.

Companion Animals Act 1998

The holder of this Identification Card is empowered as an Authorised Officer within the meaning of the *Companion Animals Act 1998* to:

1. enter any property at any reasonable time for the purpose of seizing or securing any companion animal that the officer is authorised to seize or secure or to determine whether there has been compliance with, or a contravention of, the *Companion Animals Act 1998* or the regulations.
2. on any property lawfully entered, do anything that in the opinion of the authorised officer is necessary to be done for the purposes referred to in that section, including (but not limited to) the following (s69B):
 - a. make such examinations, inquiries and tests as the authorised officer considers necessary (including the scanning of a companion animal to ascertain its identification information),
 - b. take such photographs, films, audio, video and other recordings as the authorised officer considers necessary,
 - c. require records (including certificates of registration in relation to a companion animal) to be produced for inspection,
 - d. examine, inspect and copy any records,
 - e. seize anything that the authorised officer has reasonable grounds for believing is connected with an offence under the Companion Animals Act or Regulations. The power to seize anything connected with an offence includes a power to seize:
 - i. a thing with respect to which the offence has been committed, and
 - ii. a thing that will afford evidence of the commission of the offence, and
 - iii. a thing that was used for the purpose of committing the offenceA reference to any such offence includes a reference to an offence that there are reasonable grounds for believing has been committed.
 - f. do anything else the authorised officer is empowered to do.
3. exercise his or her functions with the aid of assistants and with the use of reasonable force (s69C).

Subject to the following conditions / limitations:

The exercise of any of the above functions, is subject to the conditions / limitations in the *Companion Animals Act 1998* and the following conditions / limitations specified on the holder's Instrument of Appointment:

These powers extend to all premises in the Council's area, subject to the limitations in the *Companion Animals Act 1998*.

Impounding Act 1993

The holder of this Authorisation is empowered to exercise the powers of an Impounding Officer within the meaning of the *Impounding Act 1993* subject to the conditions / limitations in the *Impounding Act 1993* and the following conditions / limitations specified on the holder's Instrument of Appointment: ...

Public Health Act 2010

The holder of this Certificate of Authority is empowered as an Authorised Officer appointed under section 126 of the *Public Health Act 2010* to:

1. enter and inspect any premises at a reasonable time, unless the power is being exercised in an emergency, without paying any admission fee, either alone or together with such other persons as the authorised officer considers necessary (s108(1) and (5)), and
2. inspect any documents that are on the premises and, for that purpose, may direct the occupier of the premises:

- a. to make available for inspection any documents that are in the possession, or under the control, of the occupier, or
 - b. in the case of a document that is not in writing but is capable of being reduced to writing, to produce, and make available for inspection, a written copy of the document, and
3. make copies of, or take extracts from, any such documents, and
 4. for the purpose of analysis, take samples of any substance found on the premises, and
 5. examine and inspect any apparatus or equipment on any premises, and
 6. take such photographs, films and audio, video and other recordings as the authorised officer considers necessary, and
 7. for the purpose of collecting evidence of a contravention of this Act or the regulations, take samples of any substance or take possession of any thing that the authorised officer believes may constitute such evidence (s108(1)).

Subject to the following conditions / limitations:

The exercise of any of the above functions is subject to the conditions / limitations in the *Public Health Act 2010* and the following conditions / limitations specified on the holder's Instrument of Appointment: ...

These powers extend to all premises in the Council's area, subject to the limitations in the *Public Health Act 2010*.

Trees (Disputes between Neighbours) Act 2006

The holder of this Authority is empowered as an Authorised Person within the meaning of section 17 of the *Trees (Disputes between Neighbours) Act 2006* to:

1. enter premises and exercise other powers to the land for the purpose of ascertaining whether the owner has carried out work in accordance with an order under Part 2 or 2A of the *Trees (Disputes between Neighbours) Act 2006*;
2. carry out the work if the owner has failed to carry out the work in accordance with the order (s17(1)).

Subject to the following conditions / limitations:

The exercise of any of the above functions is subject to the conditions / limitations in the *Trees (Disputes between Neighbours) Act 2006* and the following conditions / limitations specified on the holder's Instrument of Appointment:

These powers extend to all land in the Council's area, subject to the limitations in the *Trees (Disputes between Neighbours) Act 2006*.

Swimming Pools Act 1992

The holder of this Certificate of Identification is empowered under Part 3 of the *Swimming Pools Act 1992* ("Swimming Pools Act") to exercise the functions of an Authorised Officer appointed under s27(1) of the *Swimming Pools Act* subject to the conditions / limitations in the *Swimming Pools Act* and the following conditions / restrictions or limited purposes specified on the holder's Instrument of Appointment: ...

CERTIFICATE OF AUTHORITY

AUTHORISED OFFICER SWIMMING POOLS ACT 1992 XXXXXXXXXXXXXXXXXX

Swimming Pools Act 1992

Certificate of Identification

This certifies that XXXXXXXXXXXX, whose photograph and signature appear below, is an Inspector for Broken Hill City Council for the purposes of the Swimming Pools Act 1992.

XXXXXXXXXXXXXXXXXX
General Manager

Darriea Turley AM
Mayor , Broken Hill City Council

Date: _____

The holder of this certificate is empowered, by section 27B of the [Swimming Pools Act 1992](#), to enter any premises in or on which he or she suspects that a swimming pool is situated and to examine the premises and, in particular, any swimming pool, and any barrier or other means of restricting access to any swimming pool, situated in or on the premises.

This power may be exercised with the consent of the occupier of the premises or, if that consent cannot be obtained, at any time (between 9.00 a.m. and sunset) after 24 hours' notice of the proposed exercise of the power has been given to the occupier of the premises.

The holder of this certificate is not empowered to enter such part of any building as is used for residential purposes, or any moveable dwelling, otherwise than with the consent of the occupier of the building or dwelling or under a search warrant.

These powers extend to all premises in the Broken Hill City Council Local Government area, subject to the limitations in the *Swimming Pools Act 1992*.

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CERTIFICATE OF AUTHORITY

AUTHORISED OFFICER OF BROKEN HILL CITY COUNCIL PUBLIC HEALTH ACT 2010 XXXXXXXXXXXX

XXXXXXXXXXXXXXXXXXXX

General Manager, Broken Hill City Council

Public Health Act 2010

Certificate of Identification

The holder of this Certificate of Authority is empowered as an Authorised Officer appointed under section 126 of the *Public Health Act 2010* to:

1. enter and inspect any premises at a reasonable time, unless the power is being exercised in an emergency, without paying any admission fee, either alone or together with such other persons as the authorised officer considers necessary (s108(1) and (5)), and
2. inspect any documents that are on the premises and, for that purpose, may direct the occupier of the premises:
 - a. to make available for inspection any documents that are in the possession, or under the control, of the occupier, or
 - b. in the case of a document that is not in writing but is capable of being reduced to writing, to produce, and make available for inspection, a written copy of the document, and
3. make copies of, or take extracts from, any such documents, and
4. for the purpose of analysis, take samples of any substance found on the premises, and
5. examine and inspect any apparatus or equipment on any premises, and
6. take such photographs, films and audio, video and other recordings as the authorised officer considers necessary, and
7. for the purpose of collecting evidence of a contravention of this Act or the regulations, take samples of any substance or take possession of any thing that the authorised officer believes may constitute such evidence (s108(1)).

Subject to the following conditions / limitations: The exercise of any of the above functions is subject to the conditions / limitations in the *Public Health Act 2010*. These powers extend to all premises in the Council's area, subject to the limitations in the *Public Health Act 2010*.

Darriea Turley AM

Mayor, Broken Hill City Council

Date: _____

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