



Guideline on the Appointment of Authorised Officers

Designated Officers only (section 126)

Food Unit / Version 01 / 08 December 2009

1.0 OBJECTIVE

To provide enforcement agencies with guidance on the appointment of authorised officers as per Division 3 section 122 of the *Food Act 2008* (the Act) for the purposes of section 126 of the Act (Infringement Notices).

2.0 BACKGROUND

Environmental Health Officers (EHOs) undertake a number of different functions in their capacity as authorised officers under the Act. There are some tasks within the scope of the Act which may need to be performed by a number of people employed by the enforcement agency; such as the issue, withdrawal and receipt of payment of infringement notices. Local government may wish for persons other than EHOs to be able to manage the administration of infringement notices. In order to assist local government to do this and meet the requirements of Section 126 of the Act, the following guideline has been compiled.

With regards to the issuing of infringement notices the following should be noted:

- A **designated officer** means an authorised officer (appointed under section 122) designated by an enforcement agency under section 126(13) of the Act for the infringement notice provisions.
- The effect of subsection 13 is that an authorised officer designated for the purposes of issuing an infringement notice cannot also be designated for the purposes of receiving payment of modified penalties or for revoking an infringement notice.

3.0 GUIDELINES

The Chief Executive Officer may issue guidelines on appropriate qualifications and experience to perform the functions of an authorised officer under the Act. The





following has been issued for enforcement agencies to utilise when issuing certificates of authority for their staff involved in the administration of infringement notices:

- 3.1** An enforcement agency may appoint any person employed by that agency to be an authorised officer for the sole purpose of being able to be designated for the purposes of section 126 subsection (1), (3), (6) and (7) of the Act.

A Certificate of Authority issued under section 123 in accordance with this appointment is to contain the following condition:

- This person is authorised only for section 126(1), (3), (6) and (7) (whichever is applicable).

4.0 ACCOUNTABILITY

Each enforcement agency must prepare and maintain a list of designated officers appointed by the agency. Maintenance of lists of designated officers and compliance with appointment guidelines will form part of the annual reporting requirements to the Chief Executive Office of the Department of Health

5.0 REFERENCES/ RELATED DOCUMENTS

- The *Food Act 2008*
http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_3595_homepage.html (external site)
- The *Food Regulations 2009*
http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_11233_homepage.html (external site)

SIGNED

Jim Dodds

Delegate of

CHIEF EXECUTIVE OFFICER

DEPARTMENT OF HEALTH

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