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## INSTRUMENTS OF APPOINTMENT

### APPROVALS

<b>POLICY NUMBER</b>	CORP-POL-017	<b>DOC.ID</b>	3579290
<b>CATEGORY</b>	Operational		
<b>POLICY OWNER</b>	Manager Governance & Corporate Services		
<b>APPROVAL DATE</b>	24 August 2022	<b>RESOLUTION NUMBER</b>	7995

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## OBJECTIVE

To ensure a uniform approach to the appointment and re-appointment of 'authorised persons' and/or 'local government workers' in relation to the administration and enforcement of legislation and to assist Isaac Regional Council in discharging a wide range of statutory powers, functions, responsibilities and duties as defined in each Act.

## SCOPE

This policy applies to all council employees and contractors that are required to become authorised persons or local government workers.

## DEFINITIONS

TERM / ACRONYM	MEANING
Act	means an Act under which a local government may exercise the jurisdiction of local government, and includes for example, the <i>Local Government Act 2009</i> (LGA), the <i>Planning Act 2016</i> , the <i>Food Act 2006</i> , a local law or a planning scheme.
Authorised Person	means a suitably qualified Council employee or contractor or an agency employee appointed by an instrument of appointment with authority to undertake certain legislative or statutory powers, functions or duties on behalf of Council.
Instrument of Appointment	shall mean a written delegation signed by the Chief Executive Officer outlining the conditions and limitations of powers for each relevant legislation pertaining to the Authorised Person or Local Government Worker.
Identity Card	is a formal identification of a person who has been appointed as an Authorised Person or Local Government Worker.
Local Government Worker	shall mean an employee, or agent, of Council who is authorised by Council in order to enable the local government to perform its responsibilities.
Powers of entry	means the legal authority conferred on persons to enter with or without the consent of the owner or occupier.

## POLICY STATEMENT

Isaac Regional Council is responsible for discharging a wide range of statutory powers, functions, responsibilities and duties as documented in various Acts. Many of the 'regulatory functions' of Councils are

carried out by 'Authorised Persons' appointed by Councils or other entities. Councils may appoint Authorised Persons or Local Government Workers under a significant number of Acts.

## APPLICATIONS

All persons applying to become Authorised Persons or Local Government Workers must complete a relevant training course prior to submission of an application and must complete a refresher every two years. All Authorised Persons and Local Government Workers must also be appropriately qualified and trained to exercise the power or perform the responsibility for which they were appointed.

The Instrument of Appointment is allocated to the person and not the position and therefore cannot be transferred to another person.

All requests for Instruments of Appointment must be completed on the adopted application forms and in accordance with the endorsed Procedure.

## APPROVALS

The Chief Executive Officer has been delegated the authority to authorise Instruments of Appointment, excepting where legislation specifically prescribes that the decision must be the subject of a resolution of Council.

In order to appoint a person as an Authorised Person or Local Government Worker, the Chief Executive Officer must be satisfied that all eligibility criteria have been met. The CEO may as part of the appointment, limit the person's role to specific powers/functions.

## VALIDITY

Instruments of Appointments are valid for five (5) years or until such time as:

- the person ceases employment with Council,
- the person no longer holds the position indicated on their Instrument of Appointment;
- the person ceases to maintain currency of the appropriate training; or
- the Instrument is terminated due to performance or position description modifications.

All ID cards and Instruments of Appointment must be returned to Governance on expiry, cancellation or if they become invalid for any other reason; so that appropriate arrangements can be made for them to be appropriately disposed of.

If an appointed person is seconded to another position temporarily, the ID card and Instrument should be returned to Governance for storage until such time that the person returns to their substantive position. If the person is required to be appointed in the secondment position, they will be required to make application for an Instrument of Appointment for that position. Likewise, a permanent appointment to a new position within Council will require the return and destruction of a person's existing Instrument and ID card and submission of an application for a new appointment in the new position. Further advice on amending an instrument of appointment can be obtained from the Governance & Corporate Services Department.

Authorised Persons and Local Government Workers may also be appointed on an as-required or ad hoc basis for a specified period of time to assist Council in meeting its statutory or operational requirements e.g. water meeting reading.

## IDENTITY CARDS

Upon appointment Authorised Persons and Local Government Workers will be issued an identity card. Each person must carry their identify cards with them at all times when discharging their duties and be able to produce the card for inspection on request. When a person is required to produce their card it must also be accompanied by a copy of the Instrument of Appointment that outlines the relevant sections of legislation under which the person is authorised.

Identity cards must show:

- A recent photograph of the person
- The name of the person
- Their position
- The department they are representing
- The expiry date of the card
- A digital image of their signature
- The Act/s under which the person is authorised

## TERMINATION OF APPOINTMENT

The Chief Executive Officer may revoke an appointment where:

- The person no longer meets the eligibility criteria.
- They determine that the person is no longer a suitable person for appointment.
- There is no further need for the appointment.
- The person is no longer employed in a position appropriate to perform the duties for which they are authorised.

A person who stops being an Authorised Person or Local Government Worker must return the identity card and Instrument of Appointment to the Governance & Corporate Services Department within 21 days.

## RECORD KEEPING

The Governance & Corporate Services Department will maintain Council's Instrument of Appointments Register. The register will:

- Record the provisions of the Act under which the person is appointed
- Include details of issue and receipt of the identity card

- Note the return details of identity cards
- Document any conditions or limits of power

## LEGISLATIONS AND RELATED GUIDELINES

- *Local Government Act 2009*
- *Local Government Regulation 2012*

## REFERENCES

ID	NAME
CORP-POL-079	Code of Conduct
CORP-PRO-007	Instruments of Appointment Procedure
CORP-FRM-080	Application for Instrument of Appointment as an Authorised Person
CORP-FRM-079	Application for Appointment of Local Government Worker