



Policy Name	Authorised Persons	
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1. PURPOSE

The purpose of this policy is to provide context and guidance about the appointment and responsibilities of West Arnhem Regional Council authorised persons as outlined in the *Local Government Act 2019*.

2. SCOPE

This policy applies to the Council, CEO, Chief Operating Officer (COO), Council Services Managers (CSMs) and any other employee who the Chief Executive Officer (CEO) appoints as an authorised person.

3. DEFINITIONS

In the context of this policy the following definitions apply:

The Act means the *Local Government Act 2019 (NT)*.

Authorised person means an employee of West Arnhem Regional Council appointed to ensure that the public comply with provisions in the *Local Government Act 2019* and Council's by-laws.

The **Code of Conduct** (the Code) means the West Arnhem Regional Council's statement of expected behaviour for all employees.

An **Emergency** means a serious or unexpected situation that requires immediate intervention.

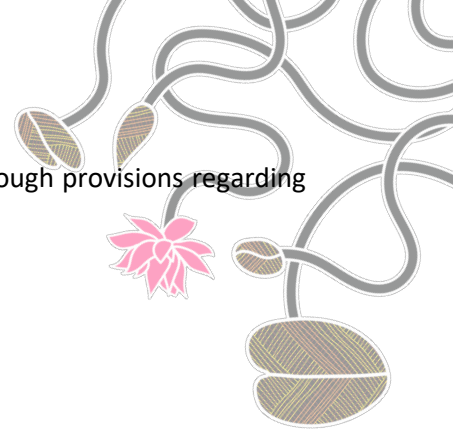
Line supervisor means the person directly supervising an employee, such as their Manager, Director or CEO.

Obstruct means to hinder and resist the duties of an authorised person.

4. POLICY STATEMENT

By Council resolution, employees who hold the positions of Chief Operating Officer (COO) or Council Services Manager (CSM) may be appointed as authorised persons.





The role of authorised persons is governed by the Act and enacted by Council through provisions regarding the:

- The appointment of authorised persons.
- Responsibilities of authorised persons.
- The conduct of authorised persons.
- The liabilities of obstructing an authorised person.

Appointment, Registering and Training of Authorised Persons

All authorised persons are West Arnhem Regional Council employees who hold the position of COO or CSM.

Once appointed as an authorised person, an employee's details will be added to the Register of Authorised Persons in accordance with the regulations of the Act.

All authorised persons are required to complete adequate training relevant to their appointment before engaging in any activities as authorised persons.

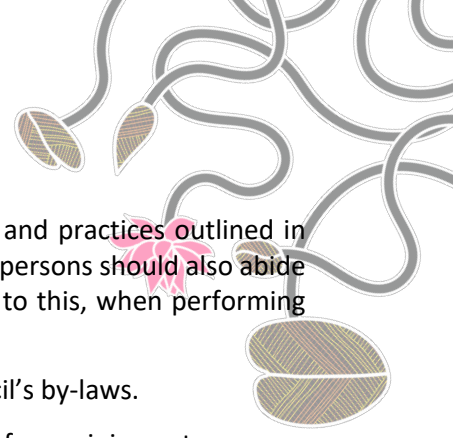
After appointment and training, registered authorised persons will be issued with identity cards that show a recent photograph of the person, their name, their signature, and the date of issue and expiry date of the card.

Responsibilities of Authorised Persons

Authorised persons can exercise the following statutory powers as outlined in the Act if they reasonably suspect that a person has committed an offence against the Act or Council's by-laws:

1. Request the alleged offender to state their name and address, and provide evidence of their identity.
2. With the necessary authority, enter and remain on the land or premises where an alleged offence has occurred. In this context, there are three ways through which necessary authority is obtained:
 - From the occupier of the land or premise.
 - Through a warrant issued by a Justice of Peace.
 - Through the CEO's authorization when there is an emergency.
3. Carry out any of the following activities after obtaining necessary authority:
 - Investigate an alleged offence against the Act or Council's by-laws.
 - Take necessary actions during an emergency to:
 - Protect the health of, or prevent injury to a person or animal.
 - Relieve the suffering of an animal.
 - Seize or destroy a savage, diseased or injured animal;
 - Destroy a dog that has attacked or injured a person in a public place within the preceding 24 hours.
 - Carry out other activities as per the provisions contained in the Act or Council's by-laws.
4. Request assistance from a member of the police service when carrying out activities as an authorised person.





Conduct of Authorised Persons

The conduct of authorised persons must reflect the principles, values, standards and practices outlined in Council's *Code of Conduct Policy* and *Performance Management Policy*. Authorised persons should also abide by any applicable laws and regulations when performing their duties. In addition to this, when performing their duties, authorised persons are expected to show their identity cards to:

- A person who has allegedly committed an offence against the Act or Council's by-laws.
- The occupier of land or premises where an alleged offence has occurred before gaining entry.

Liabilities of Obstructing an Authorised Person

According to the Act, it is an offence to intentionally obstruct an authorised person when they are acting in their official capacity, and the alleged obstructer is aware of the circumstances in which the authorised person is performing their duties.

- Alleged cases of obstruction should be reported to a line supervisor and handled in accordance with the relevant provisions in the Act, as well as any applicable laws and regulations.
- An incident report should be completed in accordance with the *Incident Reporting Policy*.

5. Responsibilities

The Executive Manager, Office of the CEO is the Policy Custodian for this policy and is responsible for reviewing the operation of the policy (every 3 years or more frequently as may be required), and for monitoring continuing relevance, effectiveness, and consistency with related documents and the Law.

Following approval of this policy document, the Executive Manager, Office of the CEO (or a nominated delegate) is also responsible for ensuring that the implementation and communication plan is implemented and that all Council employees have access to the policy.

6. Related Documents

Legislation and References

Local Government Act 2019 (NT)
Resolution OCM217/2020

Policy documents

Code of Conduct (Employees)
Incident Management Policy
Performance Management Policy

Procedures

Authorised Persons Procedures

Instructions, tools, guidelines, forms and templates

Register of Authorised Persons

