

### **13.3.5. INSTRUMENT OF APPOINTMENT AND AUTHORISATION**

**Presenter:** Martin Walmsley - Manger Community Wellbeing

**Declaration of Interest:** As presenter of this report, I have no disclosable interest in this item.

**Report Author:** Kathy Bramwell – Director Corporate and Community Services

**Declaration of Interest:** As author of this report, I have no disclosable interest in this item.

**File No:** 16/20/08

#### **PURPOSE**

The purpose of this report is for Council to review and adopt an updated Instrument of Appointment & Authorisation in respect to the Building Inspector role within Council.

#### **BACKGROUND**

The Local Government Act requires Council to review its delegations, appointments, and authorisations. This is done when updates to legislation are received, or new staff appointments require appropriate delegations or authorisations to be put in place to allow that officer to fulfil their role obligations.

#### **ISSUE / DISCUSSION**

The incumbent in the role of Building Inspector has recently changed, with Ben Spiteri being appointed in the role.

For the officer to fulfil the requirements of the role, an Instrument of Appointment & Authorisation is required to delegate this authority from the Council. It is impracticable to wait until the normal review to be undertaken in July / August 2022, as this would delay the officer being able to undertake the full role specification.

A draft Instrument of Appointment & Authorisation has been prepared for Council consideration and adoption is now requested.

#### **COUNCIL PLAN / LEGISLATIVE COMPLIANCE**

Priority 1 - People

1a. Prepare for emergencies and ensure community safety.

Priority 2 - Place

2c. Promote responsible development.

Enabling Principles

b. Provide transparency and accountability

c. Use resources efficiently and effectively

#### **ATTACHMENTS**

1. Instrument of Appointment Authorisation Building Inspector [**13.3.5.1** - 2 pages]

#### **FINANCIAL / RISK IMPLICATIONS**

The role cannot fulfil its full obligations without appropriate delegation and authorisations.

## **CONCLUSION**

To legally allow the officer appointed into the role of Building Inspector, Council is requested to consider and adopt the draft Instrument of Appointment and Authorisation as attached.

## **OFFICER RECOMMENDATION**

That Council, in the exercise of the powers conferred by the Local Government Act 2020 and other legislation referred to in the attached Instrument of Appointment & Authorisation, resolves that:

1. There be delegated to the officer appointed in the role of Building Inspector the powers, duties, and functions set out in the Instrument of Appointment and Authorisation, subject to the conditions and limits specified in that Instrument.



## S11 – INSTRUMENT OF APPOINTMENT AND AUTHORISATION

### Pyrenees Shire Council Instrument of Appointment & Authorisation July 2022

#### PART A

1. Under s.224 of the Local Government Act 1989 – Council appoints:

#### **Ben Spiteri – Building Inspector**

to be an authorised officer for the administration and enforcement of the following Acts:

The Building Act 1993  
The Housing Act 1983  
The Local Government Act 1989  
The Local Government Act 2020

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. Under s.71(1) of the Housing Act 1983 – appoints the officer – Ben Spiteri, Building Inspector – to be an authorised person for the purposes of entering a house or building and conducting an inspection under s.71 of the Housing Act 1983.

#### PART C

3. Authorises the officer – Ben Spiteri, Building Inspector – to generally 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, and
- remains in force until varied or revoked.

This Instrument is authorised by a resolution of the Pyrenees Shire Council made on 19 July 2022.

The Common Seal of the  
Pyrenees Shire Council was  
Here unto affixed in the presence of:

Councillor: \_\_\_\_\_

Chief Executive Officer: \_\_\_\_\_

Date: \_\_\_\_\_

