

AUTHORISATION AND APPOINTMENTS POLICY

Policy Number:	2.4.11
Approved by	Council
Date Approved:	December 2023
Date of Next Review:	December 2024
Applicable to:	Organisation
Responsible Officer:	Manager Organisational Performance and Governance
Related Policies:	Conflict of Interest Policy Employee Code of Conduct
Related Documents:	Various Instruments of Authorisation Employee Conflict of Interest Declaration & Management Plan
Statutory Reference:	<i>Local Government Act 1989</i> <i>Local Government 2020</i>

OVERVIEW

Authorised Officers are employees appointed by Council or the CEO for purposes of administration and enforcement of any Act, regulation or local law which relates to the functions and powers of Council in accordance with section 224 of the *Local Government Act 1989* or other legislation.

Instruments of Authorisation

Individual Instruments of Appointment and Authorisation are made by the Chief Executive Officer, with the exception of the *S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987)* as this particular instrument is made by Council resolution.

An Instrument of Appointment and Authorisation confers powers to an individual officer within Council and applies only for as long as the individual is in a position that requires those specific authorisations and remains employed with the organisation.

Once an individual leaves Council or leaves the position for which those specific authorisations have been conferred on the individual, the Instrument of Appointment and Authorisation becomes void. In the event circumstances change with the individual's responsibilities, the relevant Manager will need to notify Governance for the Instrument of Appointment and Authorisation to be revoked, to ensure the person does not continue to administer or enforce the laws under the legislation under which they have been appointed.

Council must maintain a register that shows the names of all officers appointed as Authorised Officers.

Identity card

Individual identity cards are to be issued to each authorised officer and must contain:

- a photograph of the authorised officer; and
- the signature of the authorised officer.

An authorised officer must produce their identity card upon being requested to do so.

Authorised Officer identity cards will be provided upon commencement of duties and are to be returned to the Coordinator Governance and Risk on leaving Council, or if their authorisation is otherwise revoked.

Appointment of an Authorised Officer

The procedure for appointment of an Authorised Officer is as follows:

1. People and Capability confirms the employment of an individual to a position, including the commencement date and notifies the Governance team;
2. The Governance team determine if the individual requires authorisation;
3. The proposed authorisations (if any) are provided to the Manager for approval;
4. If required, Instruments of Appointment and Authorisation are prepared by the Governance team and sent to the CEO for approval. For appointments made under the *Planning and Environment Act 1987*, these are submitted to Council for approval;
5. Once the Instrument of Appointment has been approved, details are recorded in the Register of Instruments of Authorisation and on the staff intranet;
6. A copy of the “signed” Instrument of Appointment and Authorisation is sent to the authorised person which must be accessible by them at all times when discharging their authorised duties.

POLICY COMPLIANCE

- Council officers acting under an instrument of authorisation are expected to read this Policy carefully to ensure that they understand and are familiar with the requirements with which they are to comply;
- Managers must ensure that officers understand their authorised duties and that authorisations are only made to staff that have the skills, experience and/or the appropriate or approved qualification to undertake the authorised tasks;
- Instruments of Authorisation must be made available for public inspection upon request;
- A breach of this policy or a delegation may be regarded as misconduct and can be dealt with by Council’s Employee Code of Conduct; and
- Authorised Officers must act within their authorisation and in accordance with all Council policies and procedures and any relevant legislation.

A review of all Instruments of Authorisation will be conducted annually to ensure that the information is still current.

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council’s Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council’s policy commitment to uphold human rights principles.

REVISION HISTORY

VERSION	DATE	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	December 2023	Not applicable	Policy created Date of next review: 2024