



13.4 APPOINTMENT OF AUTHORISED OFFICER PURSUANT TO THE PLANNING AND ENVIRONMENT ACT 1987

EXECUTIVE MEMBER: CLAIRE STEVENS, GENERAL MANAGER, GOVERNANCE AND ORGANISATIONAL CAPABILITY

PREPARED BY: EMILY WILLIAMS, COUNCIL BUSINESS OFFICER

1. PURPOSE

1.1 To approve a new appointment as an Authorised Officer pursuant to the *Planning and Environment Act 1987*.

2. EXECUTIVE SUMMARY

2.1 The appointment of Authorised Officers is currently enabled through existing provisions within the *Local Government Act 1989* that have not yet been repealed.

2.2 In accordance with section 224 of the *Local Government Act 1989* a Council may appoint Authorised Officers for the purposes of the administration and enforcement of any Act, Regulations or Local Laws which relate to the functions and powers of the Council.

2.3 In most cases, Authorised Officers are appointed by the Chief Executive Officer through the power of delegation conferred through the S5 Instrument of Delegation, however the *Planning and Environment Act 1987* specifically requires that Authorised Officers under that Act be appointed by resolution of the Council and sealed.

2.4 This report recommends a new appointment pursuant to the *Planning and Environment Act 1987* be approved.

3. RECOMMENDATION

That Council:

3.1 Approves the Instrument of Appointment and Authorisation at **Attachment 1**.

3.2 Affixes the common seal of Council to the Instrument of Appointment.

4. KEY POINTS/ISSUES

4.1 The appointment of Authorised Officers is currently enabled through existing provisions within the *Local Government Act 1989* that have not yet been repealed.

4.2 Authorisations are reviewed regularly and are updated due to:

- a) appointment of new staff;
- b) changes in the names of Acts;
- c) the introduction, amendment or revocation of legislation;
- d) changes in position titles; and
- e) changes in roles.

4.3 As a result of the appointment of a new staff member it is recommended that the new authorisation pursuant to the *Planning and Environment Act 1987* be approved.



5. CONSULTATION AND STAKEHOLDERS

5.1 Relevant staff have been consulted in relation to the proposed appointments.

6. LEGAL AND RISK IMPLICATIONS

6.1 It is essential that relevant staff and contractors have the proper authorisations to enable them to undertake their responsibilities under the applicable legislation. The Instrument of Authorisation template is based on the latest version supplied by Council's solicitors.

7. FINANCIAL IMPACT

7.1 There are no financial implications as a direct result of this report.

8. ENVIRONMENTAL IMPACT

8.1 There are no environmental implications as a direct result of this report.

9. COMMUNITY IMPACT

9.1 There are no community impact implications as a direct result of this report.

10. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY

10.1 The proposed appointments and authorisation are consistent with the Council Plan 2017-27 which refers to "*improving community engagement, advocacy, transparency and governance*". The report aligns with the outcomes of strategic direction 5 – *Well Governed Port Phillip*, by ensuring Council meets its statutory obligations

11. IMPLEMENTATION STRATEGY

11.1 TIMELINE

11.1.1 The appointment will be effective immediately following approval by Council.

11.2 COMMUNICATION

11.2.1 Pursuant to section 224(1A) of the *Local Government Act 1989* Council must maintain a register that shows the names of all people appointed to be authorised officers.

11.2.2 Additionally, sections 224(2) and (4) require authorised officers to be issued with an identity card which must be produced upon being requested to do so.

12. OFFICER DIRECT OR INDIRECT INTEREST

12.1 No officers involved in the preparation of this report have any direct or indirect interest in the matter.

ATTACHMENTS

- 1. S11A Instrument of Appointment - P&E Act - Darren Camilleri - 19 October 2022**