

## 7.8 Instrument of Appointment and Authorisation - Environment Protection Act 2017

### Executive Summary

#### Purpose

The purpose of this report is for Council to consider executing an Instrument of Appointment and Authorisation under the *Environment Protection Act 2017* respectively.

The Instrument presented to Council is for the appointment and authorisation of staff from the Urban Living Directorate. This review deals with staffing arrangements and is distinct from the biannual authorisation reviews conducted in March and October of each year.

#### Background

Maddocks recommend that officers enforcing the *Environment Protection Act 2017* be authorised by Council resolution and that the Instruments of Appointment and Authorisation be refreshed on a regular basis.

Council last adopted an Instrument of Appointment and Authorisation under the *Environment Protection Act 2017* in December 2023.

#### Key Issues

Council subscribes to the Maddocks Authorisations and Delegations Service, and relevant advice has been considered in the preparation of this report and the Instruments of Appointment and Authorisation.

To ensure that the Instrument is up to date and accounts for staffing changes within the organisation, officers undertake a review of the Instrument bi-annually. There were no legislative changes relevant to the current review, the changes merely accommodate staffing arrangements in the Urban Living Directorate.

Officers are now presenting a refreshed Instrument of Appointment and Authorisation under the *Environment Protection Act 2017* (**Attachment 1**) for adoption.

#### Next Steps

The Instrument will be refreshed as needed to ensure any staffing changes within the Urban Living Directorate are captured.

## Officers' recommendation

1. In the exercise of the power conferred by s 242(2) of the *Environment Protection Act 2017* and the Instrument of Delegation of the Environment Protection Authority under the *Environment Protection Act 2017* dated 4 June 2021, Council resolves that:
  - a) The members of Council staff referred to in the Instrument (**Attachment 1** as annexed to the minutes) be appointed and authorised as set out in the Instrument.
  - b) The Instrument comes into force immediately upon the common seal of Council being affixed to the Instrument and remains in force until Council determines to vary or revoke it.
  - c) The instrument be sealed.
  - d) On the coming into force of the Instrument all previous Instruments of appointment and authorisation under the *Environment Protection Act 2017* are revoked

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**Responsible director:**        **Phillip Storer, Chief Executive Officer**

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## **1. Purpose**

The purpose of this report is for Council to review and adopt the Instrument of Appointment and Authorisation under the *Environment Protection Act 2017* (**Attachment 1**).

## **2. Policy implications and relevance to community plan and council plan**

The Instrument relates to Theme 7: Leadership and Governance in the Boroondara Community Plan 2021-2031.

The Instrument is consistent with Strategic Objective 7.1: Decision making is transparent and accountable through open governance processes with timely communication and reporting.

## **3. Background**

Instrument of Appointment and Authorisation empowers relevant staff to exercise the powers granted to authorised officers by legislation or a local law.

The Instrument of Appointment and Authorisation prepared for Council's consideration is based on advice from the Maddocks Authorisations and Delegations Service.

Maddocks recommend that officers authorised under the *Environment Protection Act 2017* be authorised by Council resolution and that the Instrument of Appointment and Authorisation be refreshed on a regular basis. The Instrument is reviewed by Governance as required to ensure they are up to date. The previous review occurred in December 2023.

The *Environment Protection Act 2017* and *Environment Protection Regulations 2021* came into effect on 1 July 2021.

Council received formal notifications from the EPA in June 2021 to advise that they had delegated new powers to councils under the Act. The delegation applies to the regulation of:

- On-site wastewater management systems not exceeding 5000 litres on any day; and
- Noise from construction, demolition and removal of residential premises.

The Instrument of Appointment and Authorisation at Attachment 1 enables Council to take necessary steps to assume the new powers under the Act and the Regulations.

## **4. Outline of key issues/options**

Where Council has sub-delegated EPA powers and functions under s 437(2) of the Act, the members of Council staff must be authorised officers under s 242(2) of the Act. As such, an Instrument of Appointment and Authorisation authorising officers from the Civic Services Department has been prepared at **Attachment 1** to this report.

Authorised officers from the Civic Services Department must exercise these powers in accordance with the EPA's approved Instrument of Direction.

The attached Instrument of Appointment and Authorisation under *Environment Protection Act 2017* (**Attachment 1**) are recommended for the effective and efficient operations of Council's activities, as well as to enable routine and administrative tasks to be carried out with consistency and certainty.

To ensure that the Instrument is up to date and accounts for staffing changes in the organisation, officers undertake a review of the Instruments bi-annually. There were no legislative changes relevant to the current review, as such the changes merely capture changes in staffing arrangements in the Urban Living Directorate.

## **5. Consultation/communication**

Council subscribes to the Maddocks Authorisations and Delegations Service, which provides advice regarding legislative amendments and template instruments.

Consultation with the Urban Living Directorate has taken place in preparation of the proposed Instruments.

## **6. Financial and resource implications**

The costs to prepare and adopt the revised Instruments are minimal and will be met within the current Governance and Legal departmental budget.

## **7. Governance issues**

No officers involved in the preparation of this report have a general or material conflict of interest requiring disclosure under chapter 5 of the Governance Rules of Boroondara City Council.

The recommendation contained in this report is compatible with the Charter of Human Rights and Responsibilities 2006 as it does not raise any human rights issues.

## **8. Social and environmental issues**

Effective and efficient delegations and authorisations will reinforce public confidence in the integrity of Council's decision-making processes and in the Council's ability to ensure good corporate governance within the municipality.

**Manager:** Bryan Wee, Manager Governance and Legal

**Report officer:** Liam Merrifield, Senior Governance Officer

**Boroondara City Council**

**Instrument of Appointment and Authorisation**  
**(*Environment Protection Act 2017*)**

## Instrument of Appointment and Authorisation (*Environment Protection Act 2017*)

In this instrument "**officer**" means -

Andre Peters	Parking and Traffic Team Leader
Alex Ilievski	Parking Officer
Alice Haskett	Prosecutions Officer
Anastasia Matete	Parking Officer
Andrew Salisbury	Senior Parking Officer
Brad McMahon	Supervisor Asset Protection Enforcement
Cailin Johnston	Senior Permits and Appeals Officer
Can Doruk	Parking Officer
Chris McKee	Parking Officer Casual
Ciaran Hartnett	Permits Officer
Danielle Facey	Permits Officer
Eileen Clinch	Animal Management Officer
Ellen Hill	Environmental Health Officer
Elita Schwab	Environmental Health Officer
Florin Boiciuc	Parking Officer
Gabriel Dorning	Animal Management Officer
Heidi Beecher	Asset Protection Enforcement Team Leader
Iona Mitchell	Permits Officer
Jai Ghotra	Permits Officer
James Sidonie	Animal Management Officer
Jamie Chinga	Parking Officer
Giuseppe (Joe) Luppino	Parking Officer
Joe Peluso	Parking Officer
John Privitelli	Local Laws Officer
Jorge Contreras	Parking Officer
Joseph Climacus	Parking Officer
Joseph Elbaum	Asset Protection Enforcement Officer
Jubaidul Jekab	Local Laws Officer
Junne Matondo	Technical Officer - Asset Protection
Karanvir Singh	Parking Officer
Katerina Sioulas	Environmental Health Officer
Leanne Roberts	Asset Protection Enforcement Officer
Leonardo (Leo) Manca	Coordinator Health, Projects and Prosecutions
Lorenzo Gullone	Environmental Health Officer
Matthew (Matt) Aitken	Prosecutions Lead
Matthew Juers	Environmental Health Officer
Michael Fraser	Permits Officer
Michael O'Connor	Senior Asset Protection Enforcement Officer
Michelle Cant	Parking Officer (Night)
Mirella Manfre	Coordinator Permits Appeals and Protection of Assets

Narmada Sarvajananarajan	Environmental Health Officer
Nigel Wright	Parking Officer
Nileshkumar Jani	Parking Officer
Noppawoot Suravilas	Parking Officer
Paul Bryan Mitchelmore	Manager Civic Services
Paul Howard	Local Laws Officer
Paul Teiwes	Parking Officer
Penelope Anastasiadis	Environmental Health Officer
Rachael Oats	Parking Officer
Philippa Lee Treloar	Asset Protection Enforcement Officer
Philip Montalto	Environmental Health Officer
Robert Marshall	Parking Officer
Robert Weis	Team Leader Health Services
Roselyn Lawton	Animal Management Officer
Rosetta (Rose) Locke	Local Laws Officer
Rohit Markan	Parking Officer
Sam Joseph	Technical Officer - Asset Protection
Sam Temov	Parking Officer
Scott Walker	Director Urban Living
Serena Horg	Coordinator Field Services
Sean Bell	Local Laws Officer
Shariq Ali	Parking Officer
Sharon Raju	Permits Officer
Shaun Whittle	Local Laws Officer
Simon Elliott	Landscape Compliance Officer
Stefanie Daniliuk	Local Laws Officer
Susie Bozinovska	Permits Officer
Tim O'Reilly	Parking Officer
Toolefua Samuelu	Technical Officer - Asset Protection
Tom Vandenbroek	Parking Officer
Virginie Geoffroy	Parking Officer (Night)
Warren Norton	Local Laws Officer
Will Carroll	Environmental Health Officer

**By this instrument of appointment and authorisation** Boroondara City Council –

1. under s 242(2) of the *Environment Protection Act 2017* ('**Act**') and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021 - appoints the officers to be authorised officers for the purposes of exercising the powers and functions set out in the Instrument of Direction of the Environment Protection Authority under the Act dated 4 June 2021.
2. under s 114(2) of the *Environment Protection Act 2017* - appoints the officers to be litter enforcement officers for the purposes of s 114(2) of the *Environment Protection Act 2017*.
3. under s 347(4) of the *Environment Protection Act 2017* authorises the officers to take proceedings against the *Environment Protection Act 2017* or the regulations under this Act.
4. under s 171 of the *Environment Protection Act 2017* – appoints the officers to be residential noise enforcement officers for the purposes of s 171 of the *Environment Protection Act 2017*.
5. under s 170 of the *Environment Protection Act 2017* authorises the officers to take proceedings against certain offences under the *Environment Protection Act 2017* or the regulations under this Act.
6. under s 242(2) of the *Environment Protection Act 2017* – appoints the officers for the purposes of the power or function delegated to Council under s 437(1) of the Act.

under –

- s 170(2), 170(4), 170(6) of the *Environment Protection Act 2017*
- s 347(4) of the *Environment Protection Act 2017*
- s 347(3) of the *Environment Protection Act 2017* and r 171 of the *Environment Protection Regulations 2021*
- s 347(7) of the *Environment Protection Act 2017*

authorises the officers generally to 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 -

- a) comes into force immediately upon its execution
- b) remains in force until varied or revoked
- c) on the coming into force of this instrument, any previous Instruments of Appointment and Authorisation under the *Environment Protection Act 2017* or the regulations under this Act to the members of Council staff named above, are revoked.

This instrument is authorised by a resolution of the Boroondara City Council on 26 February 2024

The Common Seal of the Boroondara City Council was hereunto affixed in the presence of:

..... Chief Executive Officer

..... Mayor

..... Date