

## *Policy: Delegations and Authorised Officer Powers*

### Policy Purpose

To describe the assignment of authority to exercise powers under the [Care and Protection of Children Act \(2007\)](#) and associated Regulations, and the responsibilities involved in exercising the assigned powers.

### Policy Statement

#### *Delegation of CEO Powers*

The [Care and Protection of Children Act \(2007\)](#) (the Act) gives the Chief Executive Officer (CEO) a number of powers and functions in order to achieve the objects of the Act. The CEO may delegate these powers and functions to a Territory Families employee.

Delegated powers can be recognised in the Act where it says, for example, 'the CEO must', or 'the CEO may'.

Section 6(2) of the Act states that anyone exercising a power or function under the Act must uphold the principles in Part 1.3 of the Act.

The CEO's powers and functions are delegated to Territory Families staff in writing, through the mechanism of a signed legal instrument and accompanying [Schedule of Delegations](#). The schedule sets out the sections of the Act that contain specific powers and functions and the positions, including the title and level, which are delegated these powers and functions.

From time to time an employee may be called on to perform the duties of another position, for example an employee in the Placements Team may be called on to work on an investigation into alleged harm to a child in the CEO's care. In this capacity they are temporarily fulfilling the duties of a Child Protection Practitioner and have the delegated powers and functions of that position.

When an employee is performing the duties of another position, they must record in the child's file that they are fulfilling the duties of that position. Managers must ensure the employee has the appropriate Local Area Network shared drive access and Community Care Information System (CCIS) access to record decisions and actions associated with their delegated powers and functions.

It is a Manager's responsibility to ensure that any person occupying a position with delegations, even on a temporary basis, has the knowledge and skills to adequately perform the powers and functions they are delegated.

It is an employee's responsibility to familiarise themselves with the powers delegated to their position.

#### *Appointment as an Authorised Officer*

In order to undertake some statutory care and protection duties, employees must be appointed as an Authorised Officer. Authorised Officers are appointed by the Chief Executive Officer or the Deputy Chief Executive Officer, Families and Regional Services. Authorised Officers can exercise the powers and perform the functions that are specified in the Instrument of Authorisation.

Authorised Officer powers can be identified in the Act where it refers to 'Authorised Officer'. The relevant sections are listed in the reference: [Authorised Officer Powers](#).

It is the responsibility of the Manager to ensure that all new employees are adequately trained to carry out Authorised Officer functions prior to requesting their appointment. Completion of mandatory pre-service training is a prerequisite for appointment as an Authorised Officer.

Under no circumstances should an employee be directed to perform the functions of an Authorised Officer until they have been appointed by the Chief Executive Officer or the Deputy Chief Executive Officer, Families and Regional Services.

#### *Territory Families Authorised Officer Photo ID Card*

Section 305 of the Act requires that an officer appointed as an Authorised Officer by the CEO or their delegate must be issued with a Photo ID Card, specifying the officer's name and office (position), powers and functions, and containing their signature, a recent photo and verification of the signature and photo by the CEO or delegate.

The Territory Families Authorised Officer Photo ID Card (ID Card) is valid as long as the employee continues to be an Authorised Officer under the Act. Should they cease to be an Authorised Officer, the card must be returned within one month for disposal. Failure to return the ID card is an offence under the Act.

Expiry of an employee's ID Card matches the expiry date of their Working with Children (Ochre) card.

Officers on contracts will be issued with an ID Card for the period of their contract. If the contract is extended a new card must be requested. The expired card must be returned either in person, to the Territory Families ID Management, Darwin Plaza, 41 Smith Street Mall or by mail to PO Box 37073 Winnellie NT 0820 for disposal.

Authorised Officers must carry their Territory Families Authorised Officer Photo ID Card with them at all times when performing duties under the Act. The ID Card should be presented during the first contact with people whilst performing statutory duties, and produced at other times if asked to do so.

Employees are to take all reasonable steps to ensure that their ID Card is kept in a secure location and protected from misuse.

The issuing of Territory Families Authorised Officer Photo ID Card is recorded on the employee's PIPS record as a security item. The card must be returned to the Territory Families ID Management for disposal when the officer's employment ceases.

#### *Revocation of appointment as an Authorised Officer*

A person ceases to require appointment as an Authorised Officer when they:

- cease to be an employee
- changes role and the new role does not require the exercise of Authorised Officer powers
- changes role and the new role requires different Authorised Officer powers e.g. being appointed as a Manager or above.

When an employee ceases to require appointment as an Authorised Officer, the Manager must ensure their appointment is revoked.

#### Legislative Basis and Related Documents

[Care and Protection of Children Act 2007](#)

[Standards of Professional Practice](#)

Authorised by:

<b>Executive Director, Service Development and Policy on:</b>	16/03/2015	<b>Active from:</b>	16/03/2015
<b>Version 1.0</b>	To inform Case Managers on how authority for exercising powers under the Act is assigned; responsibilities in exercising those powers and requirements regarding use of an Authorised Officer Photo ID Card.		

Current Version V 1.2

<b>Active from:</b>	21/08/2018	<b>Authorised by:</b>	Director, Policy
<b>Update:</b>	Updated information to align with current Territory Families organisational structure and functions.		
<b>Review due:</b>	August 20	<b>Maintenance:</b>	Policy <a href="mailto:tf.policy@nt.gov.au">tf.policy@nt.gov.au</a>