

INSTRUMENT OF DELEGATION

INSTRUMENT OF DELEGATION UNDER THE SOUTH AUSTRALIAN PUBLIC HEALTH ACT 2011

01 NOVEMBER 2022



CITY OF
MITCHAM

Delegation Sources

- South Australian Public Health Act 2011

Positions

Abbreviation	Position	Name
Environmental Health Officer	Environmental Health Officer	
GM Development and Community Safety	General Manager Development and Community Safety	
Manager Development Services	Manager Development Services	
Manager Environmental Services and Community Safety	Manager Environmental Services and Community Safety	
Manager Finance and Rates	Manager Finance and Rates	
No sub delegation	No sub delegation	
Senior Compliance Officer	Senior Compliance Officer	
Team Leader Community Safety	Team Leader Community Safety	
Team Leader Environmental Health Services - 1	Team Leader Environmental Health Services - 1	
Team Leader Environmental Health Services - 2	Team Leader Environmental Health Services - 2	

Positions Groups

Positions Group	Position	Positions
Community Safety Officers	Community Safety Officers	Community Safety Officer - 1, Community Safety Officer - 2, Community Safety Officer - 3, Community Safety Officer -

Positions Group	Position	Positions
		Animal Management, Community Safety Officer - 4, Community Safety Officer - 5, Community Safety Officer - 6, Community Safety Officer - 7, Community Safety Officer - 8, Community Safety Officer - 9, Community Safety Officer - 10, Community Safety Officer - 11
Team Leader Environmental Health Services	Team Leader Environmental Health Services	Team Leader Environmental Health Services - 1, Team Leader Environmental Health Services - 2

Instrument of Delegation under the South Australian Public Health Act 2011

South Australian Public Health Act 2011				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 18(2)	Provide a report as required by the Minister on any matter relevant to the administration or operation of the Act	Manager Environmental Services and Community Safety, Team Leader Environmental Health Services - 1, Environmental Health Officer, Team Leader Environmental Health Services - 2 , Team Leader Environmental Health Services		designated authority
section 22(2)	Respond to a request from the Chief Public Health Officer under section 22(1)	Manager Environmental Services and Community Safety, Team Leader Environmental Health Services - 1, Environmental Health Officer, Team Leader Environmental Health Services - 2 , Team Leader Environmental Health Services		public authority

South Australian Public Health Act 2011

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 39(1)	Act in conjunction or partnership with, or cooperate or coordinate the council's activities, with one or more other councils	Manager Environmental Services and Community Safety, Team Leader Environmental Health Services - 1, Environmental Health Officer, Team Leader Environmental Health Services - 2 , Team Leader Environmental Health Services		local public health authority
section 39(3)	Furnish a written report to the Chief Public Health Officer responding to a request from the Chief Public Health Officer to cooperate with one or more other councils	Manager Environmental Services and Community Safety, Team Leader Environmental Health Services - 1, Environmental Health Officer, Team Leader Environmental Health Services - 2 , Team Leader Environmental Health Services		local public health authority
section 40(2)	Participate in consultation with the Chief Public Health Officer regarding the Chief Public Health officer exercising powers of the council under the	Manager Environmental Services and Community Safety, Team Leader Environmental Health Services - 1, Environmental		local public health authority

South Australian Public Health Act 2011

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
	Act	Health Officer, Team Leader Environmental Health Services - 2 , Team Leader Environmental Health Services		
section 41(1)	Participate in consultation with the Minister regarding the Minister's opinion that the council has failed to perform a function under the Act	GM Development and Community Safety, Manager Environmental Services and Community Safety, Team Leader Environmental Health Services - 1, Environmental Health Officer, Team Leader Environmental Health Services - 2 , Team Leader Environmental Health Services		local public health authority
section 41(6)(a)(ii)	Make submissions to the Minister regarding the proposed withdrawal of council powers under the Act	GM Development and Community Safety, Manager Environmental Services and Community Safety, Team Leader Environmental Health Services - 1, Environmental Health Officer, Team Leader Environmental		local public health authority

South Australian Public Health Act 2011

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
		Health Services - 2 , Team Leader Environmental Health Services		
section 42(1)	Request that a function of the council under the Act be performed by the Chief Public Health Officer	No sub delegation		local public health authority
section 42(10)	Enter into an agreement with the Chief Public Health Officer	No sub delegation		local public health authority
section 42(11)	Request that a notice issued by the Minister under section 42(4) vesting a council function in the Chief Public Health Officer be varied or revoked	No sub delegation		local public health authority
section 42(11)	Participate in consultation the Minister regarding the proposed variation or revocation of the vesting of a council function in the Chief Public Health Officer	No sub delegation		local public health authority

South Australian Public Health Act 2011

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 44(1)	Appoint a suitably qualified person as a local authorised officer	GM Development and Community Safety		local public health authority
section 44(2)	Impose conditions on the appointment of a local authorised officer	GM Development and Community Safety		local public health authority
section 44(4)	Issue directions to a local authorised officer	GM Development and Community Safety		local public health authority
section 44(6)	Vary or revoke the appointment of a local authorised officer	GM Development and Community Safety		local public health authority
section 44(7)	Notify the Chief Public Health Officer of an appointment or the revocation of an appointment of a local authorised officer	GM Development and Community Safety, Manager Environmental Services and Community Safety		local public health authority
section 46(1)	Issue an identity card of a local authorised officer	No sub delegation		local public health authority

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 49(1)	Require a person to furnish information relating to public health as may be reasonably required for the purposes of the Act	GM Development and Community Safety, Manager Environmental Services and Community Safety, Team Leader Environmental Health Services - 1, Environmental Health Officer, Team Leader Environmental Health Services - 2 , Team Leader Environmental Health Services		local public health authority
section 51(1)	Prepare and maintain a regional public health plan	GM Development and Community Safety, Manager Environmental Services and Community Safety, Team Leader Environmental Health Services - 1, Environmental Health Officer, Team Leader Environmental Health Services - 2 , Team Leader Environmental Health Services		local public health authority
section	Amend a regional public health plan	No sub delegation		local public health

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
51(10)				authority
section 51(11)(a)	Prepare a draft regional public health plan	GM Development and Community Safety, Manager Environmental Services and Community Safety, Team Leader Environmental Health Services - 1, Team Leader Environmental Health Services - 2 , Team Leader Environmental Health Services		local public health authority
section 51(11)(b)(i)	Provide a copy of a draft regional public health plan to the Minister, any incorporated hospital established under the Health Care Act 2008 that operates a facility within the region, any relevant public health partner authority and any other prescribed body or group	GM Development and Community Safety, Manager Environmental Services and Community Safety, Team Leader Environmental Health Services - 1, Team Leader Environmental Health Services - 2 , Team Leader Environmental Health Services		local public health authority
section	Consult with the public in regard to a draft	GM Development and Community Safety, Manager Environmental		local public health

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
51(11)(b)(ii)	regional public health plan	Services and Community Safety, Team Leader Environmental Health Services - 1, Team Leader Environmental Health Services - 2 , Team Leader Environmental Health Services		authority
section 51(12)	Participate in consultation with the Minister, or any other person or body specified by the Minister, before releasing a draft regional health plan under section 51(12)	GM Development and Community Safety, Manager Environmental Services and Community Safety, Team Leader Environmental Health Services - 1, Team Leader Environmental Health Services - 2 , Team Leader Environmental Health Services		local public health authority
section 51(13)	Submit a regional public health plan to the Chief Public Health Officer for consultation before bringing the plan into operation	GM Development and Community Safety, Manager Environmental Services and Community Safety, Team Leader Environmental Health Services - 1, Team Leader Environmental Health Services - 2		local public health authority

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
		, Team Leader Environmental Health Services		
section 51(15)	Take into account any comments of the Chief Public Health Officer, South Australian Public Health Council and any other body determined by the Chief Public Health Officer	GM Development and Community Safety, Manager Environmental Services and Community Safety, Team Leader Environmental Health Services - 1, Team Leader Environmental Health Services - 2, Team Leader Environmental Health Services		local public health authority
section 51(16)	Adopt a regional public health plan either with or without amendment	No sub delegation		local public health authority
section 51(17)	Incorporate a regional public health plan into the councils strategic management plan under the Local Government Act 1999	No sub delegation		local public health authority
section 51(19)	Review a regional public health plan at least every 5 years	GM Development and Community Safety, Manager Environmental		local public health authority

South Australian Public Health Act 2011

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
		Services and Community Safety, Team Leader Environmental Health Services - 1, Team Leader Environmental Health Services - 2 , Team Leader Environmental Health Services		
section 52(1)	Prepare a report to the Chief Public Health Officer that contains a comprehensive assessment of the extent to which the council has in the reporting period succeeded in implementing its regional public health plan	GM Development and Community Safety, Manager Environmental Services and Community Safety, Team Leader Environmental Health Services - 1, Team Leader Environmental Health Services - 2 , Team Leader Environmental Health Services		local public health authority
section 66(6)	Recover costs and expenses reasonably incurred in an authorised officer taking action in accordance with a direction or requirement issued under section 66(1) which has not been complied with by the person subject to the direction or requirement	GM Development and Community Safety, Manager Finance and Rates, Manager Environmental Services and Community Safety, Team Leader Environmental Health Services - 1, Team Leader		local public health authority

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
		Environmental Health Services - 2 , Team Leader Environmental Health Services		
section 66(9)	Take action reasonably open to the council to prevent the spread of a disease constituting a notifiable condition	GM Development and Community Safety, Manager Environmental Services and Community Safety, Team Leader Environmental Health Services - 1, Environmental Health Officer, Team Leader Environmental Health Services - 2 , Team Leader Environmental Health Services		local public health authority
section 92(1)	Issue a notice for the purpose of securing compliance with the Act or averting, eliminating or minimising a risk, or a perceived risk, to public health	GM Development and Community Safety, Manager Development Services, Manager Environmental Services and Community Safety, Team Leader Environmental Health Services - 1, Team Leader Community Safety, Environmental Health Officer, Senior Compliance		relevant authority

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
		Officer, Team Leader Environmental Health Services - 2 , Community Safety Officers, Team Leader Environmental Health Services		
section 92(2)(b)	Give a preliminary notice to a person to whom it is proposed that a notice under section 91(1) will be given	Manager Development Services, Manager Environmental Services and Community Safety, Team Leader Environmental Health Services - 1, Team Leader Community Safety, Senior Compliance Officer, Team Leader Environmental Health Services - 2 , Community Safety Officers, Team Leader Environmental Health Services		relevant authority
section 92(9)	Vary or revoke a notice issued by the council under section 92	Manager Development Services, Manager Environmental Services and Community Safety, Team Leader Environmental Health		relevant authority

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
		Services - 1, Team Leader Community Safety, Environmental Health Officer, Senior Compliance Officer, Team Leader Environmental Health Services - 2 , Community Safety Officers, Team Leader Environmental Health Services		
section 93(1)	Take action required by a notice issued under Part 12 if the requirements of the notice have not been fulfilled	Manager Environmental Services and Community Safety, Team Leader Environmental Health Services - 1, Environmental Health Officer, Team Leader Environmental Health Services - 2 , Team Leader Environmental Health Services		relevant authority
section 93(2)	Authorise a person to take action on behalf of the council under section 93(1)	Manager Environmental Services and Community Safety, Team Leader Environmental Health Services - 1, Environmental		relevant authority

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
		Health Officer, Team Leader Environmental Health Services - 2 , Team Leader Environmental Health Services		
section 93(4)	Recover the reasonable costs and expenses incurred by the council in taking action under section 93 from the person who failed to comply with the requirements of the notice	GM Development and Community Safety, Manager Finance and Rates, Manager Environmental Services and Community Safety, Team Leader Environmental Health Services - 1, Environmental Health Officer, Team Leader Environmental Health Services - 2 , Team Leader Environmental Health Services		relevant authority
section 93(5)	Fix a period from the date of a notice issued under section 93 within which an amount under section 93(4) must be paid	GM Development and Community Safety, Manager Finance and Rates, Manager Environmental Services and Community Safety, Team Leader Environmental Health Services - 1,		relevant authority

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
		Environmental Health Officer, Team Leader Environmental Health Services - 2 , Team Leader Environmental Health Services		
section 94(5)(b)	Recover the reasonable costs and expenses of a local authorised officer taking action under section 94 from any person who caused the risk to which the action relates	GM Development and Community Safety, Manager Finance and Rates, Manager Environmental Services and Community Safety, Team Leader Environmental Health Services - 1, Environmental Health Officer, Team Leader Environmental Health Services - 2 , Team Leader Environmental Health Services		local public health authority