



ADELAIDE HILLS COUNCIL

INSTRUMENT OF DELEGATION

INSTRUMENT OF DELEGATION UNDER THE
OMBUDSMAN ACT 1972

15 SEPTEMBER 2023

Positions

Abbreviation	Position
Chief Executive Officer (95)	Chief Executive Officer (95)
Director Community Capacity (350)	Director Community Capacity (350)
Director Corporate Services (41)	Director Corporate Services (41)
Director Development and Regulatory Services (70)	Director Development and Regulatory Services (70)
Director Infrastructure and Operations (114)	Director Infrastructure and Operations (114)
Executive Manager Governance and Performance (349)	Executive Manager Governance and Performance (349)

Instrument of Delegation under the Ombudsman Act 1972

Ombudsman Act 1972				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 12D(1)	Comply with directions and guidelines prepared by Ombudsman governing reporting or misconduct or maladministration in public administration	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	NIL	public authority
section 12D(3)	Report to the Ombudsman any matter the council reasonably suspects involves misconduct or maladministration in public administration	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	NIL	public authority

Ombudsman Act 1972				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 12H(1)(b)	Act on a referral from the Ombudsman	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	NIL	public authority
section 12H(2)(a)	Produce a specified document or a document relating to a specified matter	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	NIL	public authority
section 12H(2)(b)	Produce a written statement of information about a specified matter or answer specified questions within a specified period and in a specified form and, if the	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Director Corporate Services (41), Director	NIL	public authority

Ombudsman Act 1972				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
	written notice so requires, verify the statement by statutory declaration	Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)		
section 18(4)	To comment on the subject matter of a report	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	NIL	public authority
section 19A(1)	Comply with a notice of the Ombudsman	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	NIL	agency

Ombudsman Act 1972				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 19A(5)	Advise the Ombudsman that the council's failure to comply with a notice is reasonable and justifiable	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	NIL	agency
section 25(2)	Act in accordance with a recommendation of the Ombudsman	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	NIL	public authority
section 28	Apply to the Supreme Court for a determination regarding the Ombudsman's jurisdiction	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Director Corporate Services (41), Director	NIL	agency

Ombudsman Act 1972				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
		Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)		
section 28A(1)	Comply with directions of the Ombudsman	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	NIL	public authority
section 28A(2)	Comply with varied or further directions of the Ombudsman	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	NIL	public authority

Ombudsman Act 1972				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 28A(3)	Provide comments to the Ombudsman	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	NIL	public authority
section 29(8)	Act on a referral of the inspector	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Director Corporate Services (41), Director Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)	NIL	public authority
section 31(1)(b)	Receive and use evidence or information for the purposes of any criminal investigation or	Chief Executive Officer (95), Executive Manager Governance and Performance (349), Director Corporate Services (41), Director	NIL	Agency/ prosecution authority

Ombudsman Act 1972				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
	proceedings, proceedings for the imposition of a penalty or disciplinary investigation or action	Community Capacity (350), Director Development and Regulatory Services (70), Director Infrastructure and Operations (114)		