



ADELAIDE HILLS COUNCIL

INSTRUMENT OF DELEGATION

INSTRUMENT OF DELEGATION UNDER THE SOUTH
AUSTRALIAN PUBLIC HEALTH ACT 2011

15 SEPTEMBER 2023

Positions

Abbreviation	Position
Chief Executive Officer (95)	Chief Executive Officer (95)
Director Development and Regulatory Services (70)	Director Development and Regulatory Services (70)
Elected Body	Elected Body
Environmental Health Officer (241)	Environmental Health Officer (241)
Environmental Health Officer (294)	Environmental Health Officer (294)
Environmental Health Officer (91)	Environmental Health Officer (91)
Environmental Health Project Officer (97)	Environmental Health Project Officer (97)
Team Leader Environmental Health (96)	Team Leader Environmental Health (96)

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	Chief Executive Officer (95), Director Development and Regulatory Services (70), Team Leader Environmental Health (96)	NIL	designated authority
section 22(2)	Respond to a request from the Chief Public Health Officer under section 22(1)	Chief Executive Officer (95), Director Development and Regulatory Services (70), Environmental Health Officer (241), Environmental Health Officer (294), Environmental Health Officer (91), Environmental Health Project Officer (97), Team Leader Environmental Health (96)	NIL	
section 36	Enter an arrangement with the South Australian Public Health Council for the use of the staff, equipment or facilities of the council	Chief Executive Officer (95), Director Development and	NIL	

South Australian Public Health Act 2011				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
		Regulatory Services (70), Team Leader Environmental Health (96)		
section 37(2)(a)	Take action to preserve, protect and promote public health in the council area	Chief Executive Officer (95), Director Development and Regulatory Services (70), Environmental Health Officer (241), Environmental Health Officer (294), Environmental Health Officer (91), Environmental Health Project Officer (97), Team Leader Environmental Health (96)	NIL	
section 37(2)(b)	Cooperate with other authorities involved in the administration of the Act	Chief Executive Officer (95), Director Development and Regulatory Services (70), Environmental Health Officer (241), Environmental Health Officer (294), Environmental Health Officer (91), Environmental Health Project Officer (97), Team Leader Environmental Health (96)	NIL	

South Australian Public Health Act 2011				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 37(2)(c)	Ensure that adequate sanitation measures are in place in the council area	Chief Executive Officer (95), Director Development and Regulatory Services (70), Environmental Health Officer (241), Environmental Health Officer (294), Environmental Health Officer (91), Environmental Health Project Officer (97), Team Leader Environmental Health (96)	NIL	
section 37(2)(d)	Implement adequate measures in the council area (insofar as reasonably practicable) to ensure that activities do not adversely affect public health	Chief Executive Officer (95), Director Development and Regulatory Services (70), Environmental Health Officer (241), Environmental Health Officer (294), Environmental Health Officer (91), Environmental Health Project Officer (97), Team Leader Environmental Health (96)	NIL	

South Australian Public Health Act 2011				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 37(2)(e)	Identify risks to public health within the council area	Chief Executive Officer (95), Director Development and Regulatory Services (70), Environmental Health Officer (241), Environmental Health Officer (294), Environmental Health Officer (91), Environmental Health Project Officer (97), Team Leader Environmental Health (96)	NIL	
section 37(2)(f)	Take remedial action to reduce or eliminate adverse impacts or risks to public health	Chief Executive Officer (95), Director Development and Regulatory Services (70), Environmental Health Officer (241), Environmental Health Officer (294), Environmental Health Officer (91), Environmental Health Project Officer (97), Team Leader Environmental Health (96)	NIL	

South Australian Public Health Act 2011				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 37(2)(g)	Assess activities and development, or proposed activities or development, within the council area in order to determine and respond to public health impacts (or potential public health impacts)	Chief Executive Officer (95), Director Development and Regulatory Services (70), Environmental Health Officer (241), Environmental Health Officer (294), Environmental Health Officer (91), Environmental Health Project Officer (97), Team Leader Environmental Health (96)	NIL	
section 37(2)(h)	Provide, or support the provision of, educational information about public health and to provide or support activities within the council area to preserve, protect or promote public health	Chief Executive Officer (95), Director Development and Regulatory Services (70), Environmental Health Officer (241), Environmental Health Officer (294), Environmental Health Officer (91), Environmental Health Project Officer (97), Team Leader Environmental Health (96)	NIL	

South Australian Public Health Act 2011				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 38(1)	Provide, or support the provision of, immunisation programs within the council area	Chief Executive Officer (95), Director Development and Regulatory Services (70), Environmental Health Officer (241), Environmental Health Officer (294), Environmental Health Officer (91), Environmental Health Project Officer (97), Team Leader Environmental Health (96)	NIL	
section 39(1)	Act in conjunction or partnership with, or cooperate or coordinate the council's activities, with one or more other councils	Chief Executive Officer (95), Director Development and Regulatory Services (70), Environmental Health Officer (241), Environmental Health Officer (294), Environmental Health Officer (91), Environmental Health Project Officer (97), Team Leader Environmental Health (96)	NIL	local public health authority

South Australian Public Health Act 2011				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
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	Chief Executive Officer (95), Director Development and Regulatory Services (70), Environmental Health Officer (241), Environmental Health Officer (294), Environmental Health Officer (91), Environmental Health Project Officer (97), Team Leader Environmental Health (96)	NIL	
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 Act	Chief Executive Officer (95), Director Development and Regulatory Services (70), Environmental Health Officer (241), Environmental Health Officer (294), Environmental Health Officer (91), Environmental Health Project Officer (97), Team Leader Environmental Health (96)	NIL	

South Australian Public Health Act 2011				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
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	Chief Executive Officer (95), Director Development and Regulatory Services (70)	NIL	
section 41(6)(a)(ii)	Make submissions to the Minister regarding the proposed withdrawal of council powers under the Act	Chief Executive Officer (95), Director Development and Regulatory Services (70)	Subject to the approval of Council	local public health authority
section 42(1)	Request that a function of the council under the Act be performed by the Chief Public Health Officer	Chief Executive Officer (95), Director Development and Regulatory Services (70), Team Leader Environmental Health (96)	NIL	
section 42(10)	Enter into an agreement with the Chief Public Health Officer	Chief Executive Officer (95), Director Development and Regulatory Services (70), Team Leader Environmental Health (96)	NIL	

South Australian Public Health Act 2011				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
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	Chief Executive Officer (95), Director Development and Regulatory Services (70), Team Leader Environmental Health (96)	NIL	
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	Chief Executive Officer (95), Director Development and Regulatory Services (70), Team Leader Environmental Health (96)	NIL	
section 44(1)	Appoint a suitably qualified person as a local authorised officer	Chief Executive Officer (95), Director Development and Regulatory Services (70)	NIL	local public health authority
section 44(2)	Impose conditions on the appointment of a local authorised officer	Chief Executive Officer (95), Director Development and Regulatory Services (70)	NIL	local public health authority

South Australian Public Health Act 2011				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 44(4)	Issue directions to a local authorised officer	Chief Executive Officer (95), Director Development and Regulatory Services (70)	NIL	local public health authority
section 44(6)	Vary or revoke the appointment of a local authorised officer	Chief Executive Officer (95), Director Development and Regulatory Services (70)	NIL	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	Chief Executive Officer (95), Director Development and Regulatory Services (70)	NIL	local public health authority
section 46(1)	Issue an identity card of a local authorised officer	Chief Executive Officer (95), Director Development and Regulatory Services (70)	NIL	local public health authority
section 49(1)	Require a person to furnish information relating to public health as may be reasonably required for the purposes of the Act	Chief Executive Officer (95), Director Development and Regulatory Services (70), Environmental Health Officer (241), Environmental Health	NIL	

South Australian Public Health Act 2011				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
		Officer (294), Environmental Health Officer (91), Environmental Health Project Officer (97), Team Leader Environmental Health (96)		
section 51(1)	Prepare and maintain a regional public health plan	Elected Body	NIL	local public health authority
section 51(10)	Amend a regional public health plan	Elected Body	NIL	local public health authority
section 51(11)(a)	Prepare a draft regional public health plan	Elected Body	NIL	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	Chief Executive Officer (95), Director Development and Regulatory Services (70), Environmental Health Officer (241), Environmental Health Officer (294), Environmental	NIL	

South Australian Public Health Act 2011				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
	partner authority and any other prescribed body or group	Health Officer (91), Environmental Health Project Officer (97), Team Leader Environmental Health (96)		
section 51(11)(b)(ii)	Consult with the public in regard to a draft regional public health plan	Chief Executive Officer (95), Director Development and Regulatory Services (70), Environmental Health Officer (241), Environmental Health Officer (294), Environmental Health Officer (91), Environmental Health Project Officer (97), Team Leader Environmental Health (96)	NIL	
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)	Chief Executive Officer (95), Director Development and Regulatory Services (70), Environmental Health Officer (241), Environmental Health Officer (294), Environmental Health Officer (91), Environmental	NIL	

South Australian Public Health Act 2011				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
		Health Project Officer (97), Team Leader Environmental Health (96)		
section 51(13)	Submit a regional public health plan to the Chief Public Health Officer for consultation before bringing the plan into operation	Chief Executive Officer (95), Director Development and Regulatory Services (70), Environmental Health Officer (241), Environmental Health Officer (294), Environmental Health Officer (91), Environmental Health Project Officer (97), Team Leader Environmental Health (96)	NIL	
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	Chief Executive Officer (95), Director Development and Regulatory Services (70), Environmental Health Officer (241), Environmental Health Officer (294), Environmental Health Officer (91), Environmental Health Project Officer (97), Team Leader Environmental Health (96)	NIL	

South Australian Public Health Act 2011				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 51(16)	Adopt a regional public health plan either with or without amendment	Elected Body	NIL	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	Chief Executive Officer (95), Director Development and Regulatory Services (70), Environmental Health Officer (241), Environmental Health Officer (294), Environmental Health Officer (91), Environmental Health Project Officer (97), Team Leader Environmental Health (96)	NIL	
section 51(19)	Review a regional public health plan at least every 5 years	Elected Body		local public health authority
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	Chief Executive Officer (95), Director Development and Regulatory Services (70), Environmental Health Officer (241), Environmental Health	NIL	

South Australian Public Health Act 2011				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
	succeeded in implementing its regional public health plan	Officer (294), Environmental Health Officer (91), Environmental Health Project Officer (97), Team Leader Environmental Health (96)		
section 64(3)	Receive a report from the Chief Public Health Officer regarding a suspected death from a notifiable condition in the council area	Chief Executive Officer (95), Director Development and Regulatory Services (70), Environmental Health Officer (241), Environmental Health Officer (294), Environmental Health Officer (91), Environmental Health Project Officer (97), Team Leader Environmental Health (96)	NIL	
section 65(a)	Receive a report from the State government department responsible for the administration of the Act on the occurrence or incidence of notifiable conditions in the council area and any problems or issues caused by or arising on account of such diseases of medical conditions in the council area	Chief Executive Officer (95), Director Development and Regulatory Services (70), Environmental Health Officer (241), Environmental Health Officer (294), Environmental Health Officer (91), Environmental	NIL	

South Australian Public Health Act 2011				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
		Health Project Officer (97), Team Leader Environmental Health (96)		
section 65(b)	Receive information from the State government department responsible for the administration of the Act on the occurrence or incidence of notifiable conditions in the council area that constitutes, or may constitute, a threat to public health	Chief Executive Officer (95), Director Development and Regulatory Services (70), Environmental Health Officer (241), Environmental Health Officer (294), Environmental Health Officer (91), Environmental Health Project Officer (97), Team Leader Environmental Health (96)	NIL	
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	Chief Executive Officer (95), Director Development and Regulatory Services (70), Environmental Health Officer (241), Environmental Health Officer (294), Environmental Health Officer (91), Environmental Health Project Officer (97), Team Leader Environmental Health (96)	NIL	

South Australian Public Health Act 2011				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 66(9)	Take action reasonably open to the council to prevent the spread of a disease constituting a notifiable condition	Chief Executive Officer (95), Director Development and Regulatory Services (70), Environmental Health Officer (241), Environmental Health Officer (294), Environmental Health Officer (91), Environmental Health Project Officer (97), Team Leader Environmental Health (96)	NIL	
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	Chief Executive Officer (95), Director Development and Regulatory Services (70), Environmental Health Officer (241), Environmental Health Officer (294), Environmental Health Officer (91), Environmental Health Project Officer (97), Team Leader Environmental Health (96)	NIL	

South Australian Public Health Act 2011				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
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	Chief Executive Officer (95), Director Development and Regulatory Services (70), Environmental Health Officer (241), Environmental Health Officer (294), Environmental Health Officer (91), Environmental Health Project Officer (97), Team Leader Environmental Health (96)	NIL	
section 92(8)	Confirm an emergency notice given by an authorised officer under section 92(6)	Chief Executive Officer (95), Director Development and Regulatory Services (70), Environmental Health Officer (241), Environmental Health Officer (294), Environmental Health Officer (91), Environmental Health Project Officer (97), Team Leader Environmental Health (96)	NIL	

South Australian Public Health Act 2011				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 92(9)	Vary or revoke a notice issued by the council under section 92	Chief Executive Officer (95), Director Development and Regulatory Services (70), Team Leader Environmental Health (96)	NIL	relevant authority
section 93(1)	Take action required by a notice issued under Part 12 if the requirements of the notice have not been fulfilled	Chief Executive Officer (95), Director Development and Regulatory Services (70), Environmental Health Officer (241), Environmental Health Officer (294), Environmental Health Officer (91), Environmental Health Project Officer (97), Team Leader Environmental Health (96)	NIL	
section 93(2)	Authorise a person to take action on behalf of the council under section 93(1)	Chief Executive Officer (95), Director Development and Regulatory Services (70)	NIL	relevant authority
section 93(3)	Enter any relevant premises at any reasonable time to take action under section 93	Chief Executive Officer (95), Director Development and		

South Australian Public Health Act 2011				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
		Regulatory Services (70), Environmental Health Officer (241), Environmental Health Officer (294), Environmental Health Officer (91), Environmental Health Project Officer (97), Team Leader Environmental Health (96)	NIL	
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	Chief Executive Officer (95), Director Development and Regulatory Services (70), Environmental Health Officer (241), Environmental Health Officer (294), Environmental Health Officer (91), Environmental Health Project Officer (97), Team Leader Environmental Health (96)	NIL	
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	Chief Executive Officer (95), Director Development and Regulatory Services (70), Environmental Health Officer	NIL	

South Australian Public Health Act 2011				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
		(241), Environmental Health Officer (294), Environmental Health Officer (91), Environmental Health Project Officer (97), Team Leader Environmental Health (96)		
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	Chief Executive Officer (95), Director Development and Regulatory Services (70), Environmental Health Officer (241), Environmental Health Officer (294), Environmental Health Officer (91), Environmental Health Project Officer (97), Team Leader Environmental Health (96)	NIL	
section 96(5)	Apply to the South Australian Civil and Administrative tribunal under section 34 of the South Australian Civil and Administrative Tribunal Act 2013 for a review of the outcome of review proceedings by the Review panel under section 95	Chief Executive Officer (95), Director Development and Regulatory Services (70), Environmental Health Officer (241), Environmental Health Officer (294), Environmental	NIL	

South Australian Public Health Act 2011				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
		Health Officer (91), Environmental Health Project Officer (97), Team Leader Environmental Health (96)		
section 96(5)	Participate as a party to proceedings under section 96	Chief Executive Officer (95), Director Development and Regulatory Services (70), Environmental Health Officer (241), Environmental Health Officer (294), Environmental Health Officer (91), Environmental Health Project Officer (97), Team Leader Environmental Health (96)	NIL	