

INSTRUMENT OF DELEGATION

INSTRUMENT OF DELEGATION UNDER THE SOUTH AUSTRALIAN PUBLIC HEALTH ACT 2011

18 JANUARY 2024

Delegation Sources

- South Australian Public Health Act 2011

Positions

| Abbreviation | Position | Name |
|--------------|--|----------------|
| CEO | Chief Executive Officer | Tony Siviour |
| DCCS | Director Corporate & Community Services | David Burgess |
| DIES | Director Infrastructure & Environmental Services | Tarik Wolf |
| EHO | Environmental Health Officer | Rebecca Burton |
| MCD | Manager Community Development | Laura John |

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 | CEO, DIES, EHO | | designated authority |
| section 22(2) | Respond to a request from the Chief Public Health Officer under section 22(1) | CEO | | public authority |
| section 36 | Enter an arrangement with the South Australian Public Health Council for the use of the staff, equipment or facilities of the council | CEO | | public authority |
| section 37(2)(a) | Take action to preserve, protect and promote public health in the council area | CEO, DIES, EHO | | local public health authority |
| section 37(2)(b) | Cooperate with other authorities involved in the administration of the Act | CEO, DIES, EHO | | local public health authority |
| section 37(2)(c) | Ensure that adequate sanitation measures are in place in the council area | CEO, DIES, EHO | | local public health authority |

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| 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 | CEO, DIES, EHO | | local public health authority |
| section 37(2)(e) | Identify risks to public health within the council area | CEO, DIES, EHO | | local public health authority |
| section 37(2)(f) | Take remedial action to reduce or eliminate adverse impacts or risks to public health | CEO, DIES, EHO | | local public health authority |
| 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) | CEO, DIES, EHO | | local public health authority |
| 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 | CEO, DIES, EHO | | local public health authority |
| section 38(1) | Provide, or support the provision of, immunisation programs within the council area | CEO, DIES, EHO | | local public health authority |

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| section 39(1) | Act in conjunction or partnership with, or cooperate or coordinate the council's activities, with one or more other councils | CEO | | 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 | CEO | | 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 Act | CEO | | local public health authority |
| 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 | CEO | | local public health authority |
| section 41(6)(a)(ii) | Make submissions to the Minister regarding the proposed withdrawal of council powers under the Act | CEO, DIES | | 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 | CEO, DIES | | local public health authority |

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| section 42(10) | Enter into an agreement with the Chief Public Health Officer | CEO | | 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 | CEO, DIES | | 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 | CEO, DIES | | local public health authority |
| section 44(1) | Appoint a suitably qualified person as a local authorised officer | CEO | | local public health authority |
| section 44(2) | Impose conditions on the appointment of a local authorised officer | CEO | | local public health authority |
| section 44(4) | Issue directions to a local authorised officer | CEO, DIES | | local public health authority |

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| section 44(6) | Vary or revoke the appointment of a local authorised officer | CEO | | 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 | CEO | | local public health authority |
| section 46(1) | Issue an identity card of a local authorised officer | CEO | | 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 | CEO, DIES, EHO | | local public health authority |
| section 51(1) | Prepare and maintain a regional public health plan | CEO, DIES | | local public health authority |
| section 51(10) | Amend a regional public health plan | CEO, DIES | | local public health authority |
| section 51(11)(a) | Prepare a draft regional public health plan | CEO, DIES | | local public health authority |

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| 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 | CEO, DIES | | local public health authority |
| section 51(11)(b)(ii) | Consult with the public in regard to a draft regional public health plan | CEO, DIES | | local public health 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) | CEO, DIES | | 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 | CEO, DIES | | local public health authority |
| 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 | CEO, DIES | | local public health authority |

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| section 51(16) | Adopt a regional public health plan either with or without amendment | CEO, DIES | | 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 | CEO, DIES | | local public health authority |
| section 51(19) | Review a regional public health plan at least every 5 years | CEO, DIES | | 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 succeeded in implementing its regional public health plan | CEO, DCCS, DIES, EHO, MCD | | local public health authority |
| section 64(3) | Receive a report from the Chief Public Health Officer regarding a suspected death from a notifiable condition in the council area | CEO, DIES, EHO | | local public health authority |
| 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 | CEO, DIES, EHO | | local public health authority |

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| | arising on account of such diseases of medical conditions in the council area | | | |
| 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 | CEO, DIES, EHO | | 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 | CEO, DIES, EHO | | local public health authority |
| section 66(9) | Take action reasonably open to the council to prevent the spread of a disease constituting a notifiable condition | CEO, DIES, EHO | | 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 | CEO, DIES, EHO | | relevant authority |

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| 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 | CEO, DIES, EHO | | relevant authority |
| section 92(8) | Confirm an emergency notice given by an authorised officer under section 92(6) | CEO, DIES, EHO | | relevant authority |
| section 92(9) | Vary or revoke a notice issued by the council under section 92 | CEO, DIES, EHO | | 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 | CEO, DIES, EHO | | relevant authority |
| section 93(2) | Authorise a person to take action on behalf of the council under section 93(1) | CEO, DIES, EHO | | relevant authority |
| section 93(3) | Enter any relevant premises at any reasonable time to take action under section 93 | CEO, DIES, EHO | | relevant authority |

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| 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 | CEO, DIES, EHO | | 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 | CEO, DIES, EHO | | relevant authority |
| 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 | CEO, DIES, EHO | | local public health authority |
| 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 | CEO, DIES | | local public health authority |
| section 96(5) | Participate as a party to proceedings under section 96 | CEO, DIES | | relevant authority |

Document history and version control

| Date | Council/Chief Executive Officer | Comment |
|------------|--|---------|
| 14/11/2023 | Reviewed and adopted at 14 November 2023 Special Council meeting | |
| 18/1/2024 | Reviewed by CEO additional sub-delegations given to DCCS & MCD under section 52(1) | |