



ADELAIDE HILLS COUNCIL

INSTRUMENT OF DELEGATION

INSTRUMENT OF DELEGATION UNDER THE FOOD ACT  
2001

25 MAY 2021

## Delegation Sources

- Food Act 2001

### Positions

Abbreviation	Position
Chief Executive Officer (95)	Chief Executive Officer (95)
CWMS Technical Officer (423)	CWMS Technical Officer (423)
Director Development and Regulatory Services (70)	Director Development and Regulatory Services (70)
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)
Executive Manager Governance and Performance (349)	Executive Manager Governance and Performance (349)
Governance and Risk Coordinator (414)	Governance and Risk Coordinator (414)
Team Leader Environmental Health (96)	Team Leader Environmental Health (96)

## Instrument of Delegation under the Food Act 2001

<b>Food Act 2001</b>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
section 29	Elect to charge a person with a summary offence	Chief Executive Officer (95), CWMS Technical Officer (423), 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 42(2)	Approve the removal or interference with a thing to which a seizure order relates	Chief Executive Officer (95), CWMS Technical Officer (423), 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 42(3)(a)(i)	Authorise the release of a thing seized under a seizure order	Chief Executive Officer (95), CWMS Technical Officer (423), Director Development and Regulatory	NIL

<b>Food Act 2001</b>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		Services (70), Environmental Health Officer (241), Environmental Health Officer (294), Environmental Health Officer (91), Environmental Health Project Officer (97), Team Leader Environmental Health (96)	
section 42(3)(a)(ii)	Order that food or any other perishable thing be forfeited to the enforcement agency	Chief Executive Officer (95), CWMS Technical Officer (423), 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 42(3)(a)(ii)	Receive food or any other perishable thing being forfeited to the enforcement agency by order of the enforcement agency	Chief Executive Officer (95), CWMS Technical Officer (423), 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

<b>Food Act 2001</b>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
section 42(3)(b)(i)	Receive food or any other perishable thing being forfeited to the enforcement agency by court order	Chief Executive Officer (95), CWMS Technical Officer (423), 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 42(3)(d)	Deal with food or any other perishable thing in accordance with a determination of the Minister	Chief Executive Officer (95), CWMS Technical Officer (423), 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 42(3)(e)	Dispose of a thing forfeited to the enforcement agency under pursuant to section 42	Chief Executive Officer (95), CWMS Technical Officer (423), 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	NIL

<b>Food Act 2001</b>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		(96)	
section 52(2)	Pay compensation if there were no grounds for the council's Chief Executive Officer to make a prohibition order under section 46	Chief Executive Officer (95), Director Development and Regulatory Services (70)	NIL
section 52(3)	Send written notification of determination as to the payment of compensation to each applicant for compensation	Chief Executive Officer (95), Director Development and Regulatory Services (70)	NIL
section 79(1)(a)	Determine the priority classification of individual food businesses in its council area for the application of any requirements of the regulations relating to food safety programs	Chief Executive Officer (95), CWMS Technical Officer (423), 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 79(1)(b)	Determine the frequency of auditing of any food safety programs required by the regulations in relation to food businesses in the council area	Chief Executive Officer (95), CWMS Technical Officer (423), Director Development and Regulatory Services (70), Environmental Health Officer (241), Environmental Health Officer (294), Environmental	NIL

<b>Food Act 2001</b>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		Health Officer (91), Environmental Health Project Officer (97), Team Leader Environmental Health (96)	
section 79(3)	Provide written notification to the proprietor of a food business in the council area of the priority classification of its business, the food safety audit frequency and the date by which a food safety program required by the regulations must be implemented	Chief Executive Officer (95), CWMS Technical Officer (423), 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 79(4)	Change the priority classification of a food business in the council area	Chief Executive Officer (95), CWMS Technical Officer (423), 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	Provide written notification to the proprietor of a change to the	Chief Executive Officer (95), CWMS Technical Officer (423), Director Development and Regulatory	

<b>Food Act 2001</b>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
79(5)	priority classification of the proprietor's food business	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 81(1)	Receive a report from a food safety auditor of the results of any audit or assessment carried out by the food auditor for the purposes of the Act	Chief Executive Officer (95), CWMS Technical Officer (423), 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 81(6)	Receive a report from a food safety auditor recommending that the priority classification of a food business be changed	Chief Executive Officer (95), CWMS Technical Officer (423), 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



<b>Food Act 2001</b>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
section 81(7)	Provide a copy of any report received from a food safety auditor of the results of any audit or assessment carried out by the food auditor to the proprietor of the food business audited or assessed	Chief Executive Officer (95), CWMS Technical Officer (423), 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 86(1)	Receive written notice of information specified in the Food Safety Standards from a food business proposed to be conducted in the council area	Chief Executive Officer (95), CWMS Technical Officer (423), 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 86(2)	Receive written notice of information specified in the Food Safety Standards from a food business conducted in the council area	Chief Executive Officer (95), CWMS Technical Officer (423), 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	NIL

<b>Food Act 2001</b>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		(96)	
section 86(3)	Receive written notice of transferred ownership or a change in name or address of a food business conducted in the council area	Chief Executive Officer (95), CWMS Technical Officer (423), 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 88(5)	Consent in writing to the delegation of a power of the relevant authority to the enforcement agency	Chief Executive Officer (95), CWMS Technical Officer (423), 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 89	Undertake the functions in relation to the administration of the Act conferred or imposed upon the enforcement agency by the Act or by delegation	Chief Executive Officer (95), CWMS Technical Officer (423), Director Development and Regulatory Services (70), Environmental Health Officer (241), Environmental Health Officer (294), Environmental	NIL

<b>Food Act 2001</b>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		Health Officer (91), Environmental Health Project Officer (97), Team Leader Environmental Health (96)	
section 90	Participate in consultation with the relevant authority in regard to proposed conditions or limitation on the exercise of functions of the enforcement agency under the Act	Chief Executive Officer (95), CWMS Technical Officer (423), 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 94(1)	Appoint persons with appropriate qualification or experience to be authorised officers	Chief Executive Officer (95), Director Development and Regulatory Services (70), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414), Team Leader Environmental Health (96)	NIL
section 94(2)	Prepare and maintain a list of authorised officers	Chief Executive Officer (95), Director Development and Regulatory Services (70), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414), Team Leader	NIL

<b>Food Act 2001</b>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		Environmental Health (96)	
section 95(1)	Provide each authorised officer with a certificate of authority	Chief Executive Officer (95), Director Development and Regulatory Services (70), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414), Team Leader Environmental Health (96)	NIL
section 95(2)	Limit the authority of an authorised officer	Chief Executive Officer (95), Director Development and Regulatory Services (70), Executive Manager Governance and Performance (349), Governance and Risk Coordinator (414), Team Leader Environmental Health (96)	NIL
section 104(1)	Send samples retained under the Act to an independent analyst in accordance with court order	Chief Executive Officer (95), CWMS Technical Officer (423), 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

