INSTRUMENT OF DELEGATION

INSTRUMENT OF DELEGATION UNDER THE SOUTH AUSTRALIAN PUBLIC HEALTH ACT 2011

21 JULY 2026

Delegation Sources

- South Australian Public Health Act 2011

Positions

Abbreviation	Position	Name
CEO	Chief Executive Officer	Ross McNeil
DIO	Director Infrastructure & Operations	Geoff Van Mierlo
MDRS	Manager Development & Regulatory Services	Gabby Swearse

Positions Groups

Positions Group	Position	Positions
EHO	Environmental Health Officers	EH1, EH2

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, MDRS, DIO, EHO		designated authority
section 22(2)	Respond to a request from the Chief Public Health Officer under section 22(1)	CEO, MDRS, DIO, EHO		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, MDRS, DIO, EHO		public authority
section 37(2)(a)	Take action to preserve, protect and promote public health in the council area	CEO, MDRS, DIO, EHO		local public health authority
section 37(2)(b)	Cooperate with other authorities involved in the administration of the Act	CEO, MDRS, DIO, EHO		local public health authority
section 37(2)(c)	Ensure that adequate sanitation measures are in place in the council area	CEO, MDRS, DIO,		local public health authority

South Australian Public Health Act 2011				
Provision	**Power and Functions Delegated**	**Delegate**	**Conditions and Limitations**	**Capacity of Council**
		EHO		
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, MDRS, DIO, EHO		local public health authority
section 37(2)(e)	Identify risks to public health within the council area	CEO, MDRS, DIO, EHO		local public health authority
section 37(2)(f)	Take remedial action to reduce or eliminate adverse impacts or risks to public health	CEO, MDRS, DIO, 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, MDRS, DIO, 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, MDRS, DIO, EHO		local public health authority
section 38(1)	Provide, or support the provision of, immunisation programs within	CEO, MDRS,		local public health authority

South Australian Public Health Act 2011				
Provision	**Power and Functions Delegated**	**Delegate**	**Conditions and Limitations**	**Capacity of Council**
	the council area	DIO, EHO		
section 39(1)	Act in conjunction or partnership with, or cooperate or coordinate the council's activities, with one or more other councils	CEO, MDRS, DIO, EHO		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, DIO, EHO		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, DIO, EHO		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, DIO, EHO		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, DIO, EHO		local public health authority
section 42(1)	Request that a function of the council under the Act be performed by the Chief Public	CEO, DIO		local public health authority

South Australian Public Health Act 2011				
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	Health Officer			
section 42(10)	Enter into an agreement with the Chief Public Health Officer	CEO, DIO		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, DIO		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, DIO		local public health authority
section 44(1)	Appoint a suitably qualified person as a local authorised officer	CEO, DIO		local public health authority
section 44(2)	Impose conditions on the appointment of a local authorised officer	CEO, DIO		local public health authority
section 44(4)	Issue directions to a local authorised officer	CEO, DIO		local public health authority
section 44(6)	Vary or revoke the appointment of a local authorised officer	CEO, DIO		local public health authority
section 44(7)	Notify the Chief Public Health Officer of an appointment or the revocation of an appointment of a	CEO, DIO		local public health authority

South Australian Public Health Act 2011				
Provision	**Power and Functions Delegated**	**Delegate**	**Conditions and Limitations**	**Capacity of Council**
	local authorised officer			
section 46(1)	Issue an identity card of a local authorised officer	CEO, DIO		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, MDRS, DIO, EHO		local public health authority
section 51(1)	Prepare and maintain a regional public health plan	CEO, MDRS, DIO, EHO		local public health authority
section 51(10)	Amend a regional public health plan	CEO, EHO		local public health authority
section 51(11)(a)	Prepare a draft regional public health plan	CEO, MDRS, DIO, EHO		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	CEO, MDRS, DIO, EHO		local public health authority

South Australian Public Health Act 2011				
Provision	**Power and Functions Delegated**	**Delegate**	**Conditions and Limitations**	**Capacity of Council**
section 51(11)(b)(ii)	Consult with the public in regard to a draft regional public health plan	CEO, MDRS, DIO, EHO		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, MDRS, DIO, EHO		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, MDRS, DIO, EHO		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, MDRS, DIO, EHO		local public health authority
section 51(16)	Adopt a regional public health plan either with or without amendment	CEO, MDRS, DIO		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, MDRS, DIO		local public health authority
section	Review a regional public health	CEO, MDRS,		local public health authority

South Australian Public Health Act 2011				
Provision	**Power and Functions Delegated**	**Delegate**	**Conditions and Limitations**	**Capacity of Council**
51(19)	plan at least every 5 years	DIO, EHO		
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, MDRS, DIO, EHO		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, MDRS, DIO, 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 arising on account of such diseases of medical conditions in the council area	CEO, MDRS, DIO, EHO		local public health authority
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, MDRS, DIO, EHO		local public health authority

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Provision	**Power and Functions Delegated**	**Delegate**	**Conditions and Limitations**	**Capacity of Council**
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, MDRS, DIO		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, MDRS, DIO, 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, MDRS, DIO, EHO		relevant authority
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, MDRS, DIO, EHO		relevant authority
section 92(8)	Confirm an emergency notice given by an authorised officer under section 92(6)	CEO, MDRS, DIO, EHO		relevant authority
section 92(9)	Vary or revoke a notice issued by the council under section 92	CEO, MDRS, DIO		relevant authority

South Australian Public Health Act 2011				
Provision	**Power and Functions Delegated**	**Delegate**	**Conditions and Limitations**	**Capacity of Council**
section 93(1)	Take action required by a notice issued under Part 12 if the requirements of the notice have not been fulfilled	CEO, MDRS, DIO, EHO		relevant authority
section 93(2)	Authorise a person to take action on behalf of the council under section 93(1)	CEO, MDRS, DIO		relevant authority
section 93(3)	Enter any relevant premises at any reasonable time to take action under section 93	CEO, MDRS, DIO, EHO		relevant authority
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, MDRS, DIO		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, MDRS, DIO		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, MDRS, DIO		local public health authority
section	Apply to the South Australian Civil and Administrative tribunal	CEO, MDRS,		local public health authority

South Australian Public Health Act 2011				
Provision	**Power and Functions Delegated**	**Delegate**	**Conditions and Limitations**	**Capacity of Council**
96(5)	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	DIO		
section 96(5)	Participate as a party to proceedings under section 96	CEO, MDRS, DIO		relevant authority