INSTRUMENT OF DELEGATION

INSTRUMENT OF DELEGATION UNDER THE SAFE DRINKING WATER ACT 2011

21 JULY 2026

Delegation Sources

- Safe Drinking Water 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
Not Sub Delegated	Not Sub-Delegated	

Positions Groups

Positions Group	Position	Positions
EHO	Environmental Health Officers	EH1, EH2

Instrument of Delegation under the Safe Drinking Water Act 2011

Safe Drinking Water Act 2011				
Provision	**Power and Functions Delegated**	**Delegate**	**Conditions and Limitations**	**Capacity of Council**
section 7(1)	Notify the Minister if the council ceases to be engaged in the supply of drinking water	CEO, Not Sub Delegated		drinking water provider
section 8(3)	Apply to the Minister for a variation in a condition on the council's registration as a drinking water provider	CEO, MDRS, DIO		drinking water provider
section 8(5)	Comply with a condition on the council's registration as a drinking water provider	CEO, MDRS, DIO		drinking water provider
section 9(3)	Receive notice from the Minister proposing the suspension of the council's registration as a drinking water provider	CEO, MDRS, DIO		drinking water provider
section 9(5)	Lodge a written objection with the Minister regarding a proposed suspension of the council's registration as a drinking water provider	CEO, DIO		drinking water provider
section 9(6)	Make submissions to the Minister regarding a proposed suspension of the council's registration as a drinking water provider	CEO, DIO		drinking water provider

Safe Drinking Water Act 2011				
Provision	**Power and Functions Delegated**	**Delegate**	**Conditions and Limitations**	**Capacity of Council**
section 9(10)	Apply to the Minister for the cancellation of a suspension to the council's registration as a drinking water provider	CEO, DIO		drinking water provider
section 10(1)	Seek a review by the South Australian Civil and Administrative Tribunal under section 34 of the South Australian Civil and Administrative Tribunal Act 2013 of: a condition imposed by the Minister in relation to a registration under Part 2 of the Act; a variation of a condition of registration made by the Minister on the Minister's own initiative; a decision of the Minister to refuse to grant an application to vary a condition of registration; a decision of the Minister to suspend a registration under Part 2.	CEO, Not Sub Delegated		drinking water provider
section 11(3)	Receive a notice of registration of a drinking water provider from the Minister	CEO, MDRS, DIO, EHO		council
section 12(1)(a)	Prepare a risk management plan in relation to the supply of drinking water	CEO, MDRS, DIO,		drinking water provider

Safe Drinking Water Act 2011				
Provision	**Power and Functions Delegated**	**Delegate**	**Conditions and Limitations**	**Capacity of Council**
		EHO		
section 12(1)(b)	Keep the risk management plan in relation to the supply of drinking water under continuous review	CEO, MDRS, DIO, EHO		drinking water provider
section 12(1)(c)	Revise the risk management plan	CEO, MDRS, DIO, EHO		drinking water provider
section 12(3)	Adopt a standard risk management plan published for the purposes of section 12	CEO, MDRS, DIO, EHO		drinking water provider
section 14(2)	Furnish a copy of its monitoring program and incident identification and notification protocol to the Minister	CEO, MDRS, DIO, EHO		drinking water provider
section 14(3)(b)	Participate in consultation with the Minister in regard to proposed alterations to the program or protocol	CEO, MDRS, DIO, EHO		drinking water provider
section 14(4)	Seek a review by the South Australian Civil and Administrative Tribunal under section 34 of the South Australian Civil and Administrative Tribunal Act 2013 of proposed alterations to the program or protocol	CEO, MDRS, DIO		drinking water provider

Safe Drinking Water Act 2011				
Provision	**Power and Functions Delegated**	**Delegate**	**Conditions and Limitations**	**Capacity of Council**
section 14(7)	Implement the council's risk management plan	CEO, MDRS, DIO, EHO		drinking water provider
section 20(4)	Ensure that an audit or inspection is carried out by an approved auditor or approved inspector in accordance with a determination of the Chief Executive of the State government department administering the Act	CEO, MDRS, DIO, EHO		drinking water provider
section 22(6)	Receive a copy of a report provided to the Chief Executive of the State government department administering the Act under section 20(1) or 20(4)	CEO, MDRS, DIO, EHO		drinking water provider
section 23(1)	Comply with a reasonable request or requirement of an auditor or inspector in or in connection with an audit or inspection under Division 2, Part 4	CEO, MDRS, DIO, EHO		drinking water provider
section 25(1)	Ensure drinking water supplied by the council is collected and tested in accordance with prescribed requirements	CEO, MDRS, DIO, EHO		drinking water provider
section 27(1)	Make available to the public the results of any monitoring program that the drinking water provider conducts on drinking water for	CEO, MDRS, DIO, EHO		drinking water provider

Safe Drinking Water Act 2011				
Provision	**Power and Functions Delegated**	**Delegate**	**Conditions and Limitations**	**Capacity of Council**
	the purpose of the council's risk management plan			
section 34(1)	Appoint a person with appropriate qualification or experience to be an authorised officer	CEO, DIO		enforcement agency
section 34(2)	Prepare and maintain a list of authorised officers	CEO, DIO		enforcement agency
section 35(1)	Provide each authorised officer with a certificate of authority	CEO, DIO		enforcement agency
section 35(2)	Determine limits on the powers of an authorised officer	CEO, DIO		enforcement agency
section 35(4)	Receive a surrendered certificate of authority	CEO, DIO		enforcement agency
section 37(2)	Approve the removal or interference with a thing subject to a seizure order under section 37	CEO, DIO, EHO		enforcement agency
section 37(3)(a)	Hold a thing subject to a seizure order pending proceedings	CEO, DIO, EHO		enforcement agency
section 37(3)(a)(i)	Authorise the release of a thing subject to a seizure order ending proceedings subject to conditions which the council thinks fit	CEO, MDRS, DIO		enforcement agency

Safe Drinking Water Act 2011				
Provision	**Power and Functions Delegated**	**Delegate**	**Conditions and Limitations**	**Capacity of Council**
section 37(3)(a)(ii)	Order that a thing subject to a seizure order be forfeited to the council	CEO, MDRS, DIO		enforcement agency
section 37(3)(b)(i)	Receive a thing forfeited to the council by court order	CEO, MDRS, DIO		enforcement agency
section 37(3)(d)	Dispose of a thing forfeited to the council under section 37	CEO, MDRS, DIO		enforcement agency
section 38(1)	Issue a notice to secure compliance with a requirement imposed by or under the Act or to avert, eliminate or minimise a risk, or a perceived risk, to the public in relation to drinking water	CEO, DIO, EHO		enforcement agency
section 38(5)	Issue a notice confirming an emergency notice issued by an authorised officer	CEO, DIO, EHO		enforcement agency
section 38(6)	Vary or revoke a notice to secure issued under section 38	CEO, DIO		enforcement agency
section 39(1)	Take action required by a notice issued under Division 3, Part 7 which has not been undertaken	CEO, MDRS, DIO, EHO		enforcement agency
section 39(2)	Authorise a person to take action under section 39(1) on behalf of the council	CEO, MDRS, DIO		enforcement agency

Safe Drinking Water Act 2011				
Provision	**Power and Functions Delegated**	**Delegate**	**Conditions and Limitations**	**Capacity of Council**
section 39(3)	Enter relevant land in order to take action under section 39	CEO, MDRS, DIO, EHO		enforcement agency
section 39(4)	Recover the reasonable costs and expenses in taking action under section 39	CEO, MDRS, DIO		enforcement agency
section 39(5)	Fix a period from the date of a notice issued under section 39 within which an amount under section 39(4) must be paid	CEO, MDRS, DIO		enforcement agency
section 40(5)	Recover the reasonable costs and expenses incurred by an authorised officer taking action under section 40	CEO, MDRS, DIO		enforcement agency
section 41(1)	Require a person to furnish information relating to the quality or supply of drinking water or any other matter associated with the administration or operation of the Act	CEO, MDRS, DIO, EHO		enforcement agency
section 42(3)	Act as a party in proceedings under section 42	CEO, MDRS, DIO, EHO		enforcement agency
section 52(1)	Furnish a report to the Minister on or by 30 September on the activities of the council under the Act during the financial year	CEO, MDRS, DIO,		enforcement agency

Safe Drinking Water Act 2011				
Provision	**Power and Functions Delegated**	**Delegate**	**Conditions and Limitations**	**Capacity of Council**
	ending on the preceding 30 June	EHO		