INSTRUMENT OF DELEGATION

SA SOUTH AUSTRALIAN PUBLIC HEALTH ACT 2011 (COVID-19)

21 JULY 2026

Delegation Sources

- South Australian Public Health Act 2011 (Covid-19)

Positions

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

SA South Australian Public Health Act 2011 (Covid-19)

South Australian Public Health Act 2011 (Covid-19)			
Provision	**Power and Functions Delegated**	**Delegate**	**Conditions and Limitations**
s44(1)	1. Local Authorised Officers 1.1 The power pursuant to Section 44(1) of the South Australian Public Health Act 2011 (the Act), subject to Section 45 of the Act, to, by instrument in writing, appoint a suitably qualified person to be a local authorised officer.	CEO, MDRS, DIO	
s44(2)	1. Local Authorised Officers 1.2 The power pursuant to Section 44(2) of the Act to make an appointment under Section 44 subject to such conditions or limitations as the Delegate thinks fit.	CEO, MDRS, DIO	
s44(4)	1. Local Authorised Officers 1.3 The power pursuant to Section 44(4) of the Act to direct a local authorised officer.	CEO, MDRS, DIO	
s44(6)	1. Local Authorised Officers 1.4 The power pursuant to Section 44(6) of the Act to vary or revoke an appointment at any time.	CEO, MDRS, DIO	
s44(7)	1. Local Authorised Officers 1.5 The power pursuant to Section 44(7) of the Act to notify the Chief Public Health Officer in accordance with Section 44(8) of the Act, if the Council or the Delegate: 1.5.1 makes an appointment under Section 44 of the Act; or 1.5.2 revokes an appointment under Section 44 of the	CEO, MDRS, DIO	

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	Act.		
s44(9)	1. Local Authorised Officers 1.6 The power pursuant to Section 44(9) of the Act to determine the number of local authorised officers who should be appointed for the Council's area and in determining the number of local authorised officers who should be appointed for the Council's area, take into account any policy developed by the Chief Public Health Officer for the purposes of Section 44 of the Act.	CEO, MDRS, DIO	
s46(1)	2. Identity Cards 2.1 The power pursuant to Section 46(1) of the Act to issue in accordance with Section 46(2) of the Act to an authorised officer appointed under the Act an identity card in a form approved by the Chief Public Health Officer: 2.1.1 containing the person's name and a photograph of the person; and 2.1.2 stating that the person is an authorised officer for the purposes of the Act; and 2.1.3 setting out the name or office of the issuing authority.	CEO, MDRS, DIO	
s92(1)	3. Notices 3.1 The power pursuant to Section 92(1) of the Act and subject to Sections 92(2), (3), (4), (5) and (12) of the Act to issue a notice for the purpose of: 3.1.1 securing compliance with a requirement imposed by or under the Act (including the duty under Part 6 or a requirement imposed under a regulation or a code of practice under the Act); or	CEO, MDRS, DIO	

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	3.1.2 averting, eliminating or minimising a risk, or a perceived risk, to public health.		
s92(2)	3. Notices 3.2 The power pursuant to Section 92(2) of the Act and subject to Section 92(12) of the Act, to, before issuing a notice to secure compliance with the general duty under Part 6 of the Act: 3.2.1 have regard to: 3.2.1.1 the number of people affected, or potentially affected, by the breach of the duty; 3.2.1.2 the degree of harm, or potential degree of harm, to public health on account of the breach of the duty; 1.1.1.1 any steps that a person in breach of the duty has taken, or proposed to take, to avoid or address the impact of the breach of the duty, and such other matters as the Delegate thinks fit; and 3.2.2 subject to Section 92 of the Act, give the person to whom it is proposed that the notice be given a preliminary notice in writing: 3.2.2.1 stating the proposed action, including the terms of the proposed notice and the period within which compliance with the notice will be required; and 3.2.2.2 stating the reasons for the proposed action; and 3.2.2.3 inviting the person show, within a specified time (of a reasonable period), why the proposed action should not be taken (by making representations to the Delegate or a person nominated to act on behalf of the Council).	CEO, MDRS, DIO	
s92(2)(b)(iii)	3. Notices	CEO,	

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	3.3 The power pursuant to Section 92(2)(b)(iii) of the Act to nominate a person to act on behalf of the Council.	MDRS, DIO	
s92(3)	3. Notices 3.4 The power pursuant to Section 92(3) of the Act to, in a case where Section 92(2)(b) of the Act applies, after considering representations made within the time specified under Section 92(2)(b) of the Act: 3.4.1 issue a notice in accordance with the terms of the original proposal; or 3.4.2 issue a notice with modifications from the terms of the original proposal; or 3.4.3 determine not to proceed further under Section 92.	CEO, MDRS, DIO	
s92(4)	3. Notices 3.5 The power pursuant to Section 92(4) of the Act to: 3.5.1 not give notice under Section 92(2)(b) of the Act if the Delegate considers that urgent or immediate action is required in the circumstances of the particular case; and 3.5.2 not give further notice before issuing a notice with modifications under Section 92(3)(b) of the Act.	CEO, MDRS, DIO	
s92(5)	3. Notices 3.6 The power pursuant to Section 92(5) of the Act issue a notice under Section 92 of the Act: 3.6.1 in the form of a written notice served on the person to whom it is issued; and 3.6.2 specifying the person to whom it is issued (whether by name or by a description sufficient to identify the person); and	CEO, MDRS, DIO	

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	3.6.3 directing 2 or more persons to do something specified in the notice jointly; and 3.6.4 without limiting any other provision, in the case of a notice that relates to the condition of any premises, to any person who: 3.6.4.1 is the owner or occupier of the premises; or 3.6.4.2 has the management or control of the premises; or 3.6.4.3 is the trustee of a person referred to in Section 92(5)(i) or (ii) of the Act or is managing the affairs of such a person on some other basis; and 3.6.5 stating the purpose for which the notice is issued and giving notice of the requirement or the risk to which it relates; and 3.6.6 imposing any requirement reasonably required for the purpose for which the notice is issued including 1 or more of the following: 3.6.6.1 a requirement that the person discontinue, or not commence, a specified activity indefinitely or for a specified period or until further notice from a relevant authority; 3.6.6.2 a requirement that the person not carry on a specified activity except at specified times or subject to specified conditions; 3.6.6.3 a requirement that the person take specified action in a specified way, and within a specified period or at specified times or in specified circumstances; 3.6.6.4 a requirement that the person take action to prevent, eliminate, minimise or control any specified risk to public health, or to control any specified activity; 3.6.6.5 a requirement that the person comply with any specified code or standard prepared or published by a body or authority referred to in the notice;		

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	3.6.6.6 a requirement that the person undertake specified tests or monitoring; 3.6.6.7 a requirement that the person furnish to a relevant authority specified results or reports; 3.6.6.8 a requirement that the person prepare, in accordance with specified requirements and to the satisfaction of the relevant authority, a plan of action to secure compliance with a relevant requirement or to prevent, eliminate, minimise or control any specified risk to public health; 3.6.6.9 a requirement prescribed under or for the purposes of the regulations; and 3.6.7 stating that the person may, within 14 days, apply for a review of the notice under the provisions of the Act.		
s92(9)	3. Notices 3.7 The power pursuant to Section 92(9) of the Act by written notice served on a person to whom a notice under Section 92 of the Act has been issued by the Delegate or the Council, vary or revoke the notice.	CEO, MDRS, DIO	
s92(15)	3. Notices 3.8 The power pursuant to Section 92(15) of the Act to, not comply with any other procedure, or hear from any other person, except as provided by Section 92 of the Act before the Delegate issues a notice under Section 92 of the Act.	CEO, MDRS, DIO	

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s93(1)	4. Action on Non-compliance with Notice 4.1 The power pursuant to Section 93(1) of the Act if the requirements of a notice under Part 12 of the Act are not complied with, to take any action required by the notice.	CEO, MDRS, DIO	
s93(2)	4. Action on Non-compliance with Notice 4.2 The power pursuant to Section 93(2) of the Act to authorise a person for the purpose of taking action on the Council's behalf under Section 93(1) of the Act.	CEO, MDRS, DIO	
s93(4)	4. Action on Non-compliance with Notice 4.3 The power pursuant to Section 93(4) of the Act to recover the reasonable costs and expenses incurred by the Council in taking action under Section 93 of the Act as a debt from the person who failed to comply with the requirements of the notice.	CEO, MDRS, DIO	
s93(5)	4. Action on Non-compliance with Notice 4.4 The power pursuant to Section 93(5) of the Act, if an amount is recoverable from a person by the Council under Section 93, to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.	CEO, MDRS, DIO	