



Board of Management

31 August 2016



local councils working together to protect the health of the community



EASTERN HEALTH AUTHORITY BOARD OF MANAGEMENT MEETING

WEDNESDAY – 31 August 2016

Notice is hereby given that a meeting of the Board of Management of the Eastern Health Authority will be held at the EHA Offices, **101 Payneham Road, St Peters** on Wednesday 31 August 2016 commencing at 6.30 pm.

A light meal will be served at 6.00 pm.

A handwritten signature in black ink, appearing to read "Michael Livori".

MICHAEL LIVORI
CHIEF EXECUTIVE OFFICER

AGENDA

EASTERN HEALTH AUTHORITY BOARD OF MANAGEMENT MEETING

WEDNESDAY – 31 August 2016

Commencing at 6.30 pm

- 1 Opening
- 2 Apologies
- 3 Chairperson's remarks
- 4 Confirmation of minutes – 22 June 2016
- 5 Matters arising from the minutes

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6.1 EASTERN HEALTH AUTHORITY REVIEW OF DELEGATIONS

Author: Michael Livori
Ref: AF16/43

Summary

It is generally recognised that for the efficient operation of an organisation the powers for effective decision making should be delegated to persons directly involved in the administration of the legislation.

The delegation of powers and functions from Constituent Councils to the Eastern Health Authority (EHA) and from EHA to the staff of EHA are required to be regularly reviewed.

Report

Section 44 of the Local Government Act 1999, provides a general power for a council to delegate its powers or functions to various committees, subsidiaries, employees of council or authorised persons. Some other Acts also contain a specific power of delegation.

EHA requires powers and functions to be delegated to it by its Constituent Councils under the following legislation, in order to be able to fulfil its functions:

- Environment Protection Act 1993 and Environmental Protection (Waste to Resources) Policy 2010
- Expiation of Offences Act 1996
- Housing Improvement Act 1940
- Safe Drinking Water Act 2011
- South Australian Public Health Act 2011; South Australian Public Health (General) Regulations 2013, South Australian Public Health (Legionella) Regulations 2013 and South Australian Public Health (Wastewater) Regulations 2013;
- Supported Residential Facilities Act 1992 and Supported Residential Facilities Regulations 2009

It should be noted that EHA receives its powers under the Food Act 2001 directly from the legislation by virtue of being a regional subsidiary. A regional subsidiary is considered to be an enforcement agency for the purpose of the Food Act 2001.

The powers and functions in relation to the legislation detailed above are then required to be sub delegated to EHA staff pursuant to Clause 36 of Schedule 2 and Section 44 of the Local Government Act 1999 and Section 9(3) (b) of the Supported Residential Facilities Act 1992.

Councils are required to review their delegations at least once in every financial year pursuant to Section 44(6) of the Local Government Act 1999.

EHA has committed to lead the review of the delegations made by each of its Constituent Councils to EHA on an annual basis to ensure continuity and consistency.

To this end a review of all delegations currently in place from the Constituent Councils to EHA has been undertaken. Reviewed Instruments of Delegation were provided to Constituent Councils for adoption (correspondence to Constituent Councils is provided as attachment 1).

The Instruments of Delegation have been dated so that they will come into effect on 31 August 2016 to coincide with the Board of Management subdelegating the powers and functions to staff of EHA.

Advice has been received from all of the five Constituent Councils advising that the reviewed delegations to EHA have been or will be considered by their respective councils prior to the date of the Board meeting. Please note that the resolution and documentation relating to City of Prospect will be tabled at the meeting.

Copies of the relevant correspondence, reports and minutes are attached to this report and are marked as Appendices A to E.

It is now necessary to ensure that EHA effectively sub delegates the same powers and functions to officers employed by EHA to enable them to fulfil their functions effectively.

Instruments of subdelegation have been prepared for this purpose (Appendices 1-6).

Appendix 1 Environment Protection Act 1993 and Environmental Protection and Environmental Protection (Waste to Resources) Policy 2010

Appendix 2 Expiation of Offences Act 1996

Appendix 3 Housing Improvement Act 1940

Appendix 4 Safe Drinking Water Act 2011

Appendix 5 South Australian Public Health Act 2011; South Australian Public Health (Legionella) Regulations 2013 and South Australian Public Health (Wastewater) Regulations 2013.

Appendix 6 Supported Residential Facilities Act 1992 and Supported Residential Facilities Regulations 2009

An instrument of delegation has also been prepared in relation to the Food Act 2001 (Appendix 7).

In the main, it has only been necessary to make minor changes to the instruments to bring them in line with the templates on the Local Government Association website. However:

- Changes have been made to the instrument of delegation under the Supported Residential Facilities Act to take into account the State Government's 2015 abolition of the SRF Advisory Committee and to include powers to revoke or vary exemptions granted from the Regulations

- Reference has now been expressly made in the instrument of delegation under the Expiation of Offences Act to the power of EHA to issue expiation notices for alleged offences against the South Australian Public Health (General) Regulations. This brings the approach under this regulation into line with EHA's power under the South Australian Public Health Act and the other regulations made under that Act
- A new power has been included at paragraph 34 of the South Australian Public Health Act instrument as a result of a legislative amendment that occurred in 2015.

The Instruments are in substantially the same format as the Instruments of Delegation on the LGA website and accordingly amendments to the Instruments can be easily attended to in the future by reference to the updated instruments that are prepared and placed on the LGA website.

To effect the subdelegations and delegations that are required to be made from EHA to its staff, it is necessary to resolve the following.

RECOMMENDATION

1. That:

1.1 having been delegated powers and functions:

1.1.1 under the following:

1.1.1.1 Environment Protection Act 1993 and Environmental Protection (Waste to Resources) Policy 2010

1.1.1.2 Expiation of Offences Act 1996

1.1.1.3 Housing Improvement Act 1940

1.1.1.4 Safe Drinking Water Act 2011

1.1.1.5 South Australian Public Health Act 2011; South Australian Public Health (General) Regulations 2013, South Australian Public Health (Legionella) Regulations 2013 and South Australian Public Health (Wastewater) Regulations 2013

1.1.1.6 Supported Residential Facilities Act 1992 and Supported Residential Facilities Regulations 2009.

(“the Head Delegation”)

1.1.2 by the following Councils:

1.1.2.1 City of Burnside on the 9th day of August 2016

- 1.1.2.2 Campbelltown City Council on the 2nd day of August 2016
- 1.1.2.3 City of Norwood Payneham and St Peters on the 1st day of August 2016
- 1.1.2.4 City of Prospect on the 23rd day of August 2016
- 1.1.2.5 Corporation of the Town of Walkerville on the 15th day of August 2016.

as set out in Appendices A to E of the Report dated 31 August 2016 and entitled "Eastern Health Authority Review of Delegations".

1.2 Eastern Health Authority ("EHA"):

- 1.2.1 in exercise of the powers under Section 44(4)(b) and Clause 36 of Schedule 2 of the Local Government Act 1999:
 - 1.2.1.1 revokes all previous subdelegations under the below legislation to the person occupying the office of Chief Executive Officer of EHA and all other employees and officers of EHA, and
 - 1.2.1.2 subdelegates the powers and functions under the following Acts and specified in the proposed Instruments of Subdelegation contained in Appendices 1 – 5 of the Report dated 31 August 2016 and entitled "Eastern Health Authority Review of Delegations" (each of which is individually identified as indicated below) to the persons occupying the office or position detailed in the proposed Instruments of Subdelegation subject to the conditions and/or limitations specified herein or in the Schedule of Conditions in each such proposed Instrument of Subdelegation:
 - (a) Environment Protection Act 1993 and Environment Protection (Waste to Resources) Policy 2010 (Appendix 1)
 - (b) Expiation of Offences Act 1996 (Appendix 2)
 - (c) Housing Improvement Act 1940 (Appendix 3)
 - (d) Safe Drinking Water Act 2011 (Appendix 4)
 - (e) South Australian Public Health Act 2011; South Australian Public Health (General) Regulations 2013, South Australian Public Health (Legionella) Regulations 2013 and South Australian Public Health

(Wastewater) Regulations 2013 (Appendix 5)

- 1.2.2 in exercise of the powers contained in Section 9(3)(b) of the Supported Residential Facilities Act 1992 and Clause 36 of Schedule 2 of the Local Government Act 1999:
 - 1.2.2.1 revokes all previous subdelegations under the Supported Residential Facilities Act 1992 to the person occupying the office of Chief Executive Officer of EHA and all other employees and officers of EHA and
 - 1.2.2.2 subdelegates the powers and functions under the Supported Residential Facilities Act 1992 specified in the proposed Instrument of Subdelegation contained in Appendix 6 of the Report dated 31 August 2016 and entitled "Eastern Health Authority Review of Delegations" to the persons occupying the office or position detailed in the proposed Instruments of Subdelegation subject to the conditions and/or limitations specified herein or in the Schedule of Conditions in the proposed Instrument of Subdelegation.
2. That, in exercise of the power under Clause 36 of Schedule 2 of the Local Government Act 1999, EHA:
 - 2.1 revokes all previous delegations under the below legislation to the person occupying the office of Chief Executive Officer of EHA and all other employees and officers of EHA and
 - 2.2 delegates the powers and functions under the following Acts and specified in the proposed Instruments of Delegation contained in Appendices 2 and 4 of the Report dated 31 August 2016 and entitled "Eastern Health Authority Review of Delegations" (each of which is individually identified as indicated below) to the persons occupying the office or position detailed in the proposed Instruments of Delegation subject to the conditions and/or limitations specified herein or in the Schedule of Conditions in each such proposed Instrument of Delegation:
 - 2.2.1 Expiation of Offences Act 1996 (Appendix 2)
 - 2.2.2 Safe Drinking Water Act 2011 (Appendix 4).
3. That EHA, as an enforcement agency and in exercise of the power contained in Section 91 of the Food Act 2001:
 - 3.1 revokes all previous delegations under the Food Act 2001 to the person occupying the office of Chief Executive Officer of EHA and all other employees and officers of EHA and
 - 3.2 hereby delegates this 31 August 2016 the powers and functions under the Food Act 2001 specified in the proposed Instrument of Delegation contained in Appendix 7 to the Report dated 31 August 2016 and entitled "Eastern Health Authority Review of Delegations"

to the persons occupying the office or position detailed in the proposed Instrument of Delegation subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Food Act 2001.

4. That having been delegated powers and functions:

- 4.1 under:

- 4.1.1 the Local Government Act 1999 to commence a prosecution for a breach of the:

- 4.1.1.1 Housing Improvement Act 1940

- 4.1.1.2 South Australian Public Health Act 2011; the South Australian Public Health (Legionella) Regulations 2013; and the South Australian Public Health (Wastewater) Regulations 2013; and

- 4.1.2 the Local Government Act 1999 and the Supported Residential Facilities Act 1992 to commence a prosecution for a breach of the:

- 4.1.2.1 Supported Residential Facilities Act 1992.

- 4.2 by the following Councils:

- 4.2.1 City of Burnside on the 9th day of August 2016

- 4.2.2 Campbelltown City Council on the 2nd day of August 2016

- 4.2.3 City of Norwood Payneham and St Peters on the 1st day of August 2016

- 4.2.4 City of Prospect on the 23rd day of August 2016

- 4.2.5 The Corporation of the Town of Walkerville on the 15th day of August 2016.

(“the Councils”)

- 4.3 EHA in exercise of the powers under Section 44(4)(b) and Clause 36 of Schedule 2 of the Local Government Act 1999 and Section 9(3)(b) of the Supported Residential Facilities Act 1992 sub delegates to the persons occupying the office of Chief Executive Officer of EHA and Senior Environmental Health Officer of EHA:

- 4.3.1 the powers under Sections 6 and 36(1) of the Local Government Act 1999 to:

- 4.3.1.1 commence a prosecution for a breach of the Housing Improvement Act 1940 where the Housing Improvement Act 1940 empowers the Councils to commence a prosecution for a breach and to do anything necessary, expedient

- or incidental to performing or discharging that power
- 4.3.1.2 commence a prosecution for a breach of the South Australian Public Health Act 2011 and/or South Australian Public Health (Legionella) Regulations 2013 and/or South Australian Public Health (Wastewater) Regulations 2013 where the South Australian Public Health Act 2011 and/or South Australian Public Health (Legionella) Regulations 2013 and/or South Australian Public Health (Wastewater) Regulations 2013 empowers the Councils to commence a prosecution for a breach and to do anything necessary, expedient or incidental to performing or discharging that power.
- 4.3.2 the powers under Sections 6 and 36(1) of the Local Government Act 1999 and Section 9(1) of the Supported Residential Facilities Act 1992 to:
- 4.3.2.1 commence a prosecution for a breach of the Supported Residential Facilities Act 1992 where the Supported Residential Facilities Act 1992 empowers the Councils to commence a prosecution for a breach and to do anything necessary, expedient or incidental to performing or discharging that power.

**STANDARD CONDITIONS OF SUBDELEGATIONS AND
DELEGATIONS MADE BY THE**

EASTERN HEALTH AUTHORITY

“Nil”

Our Ref: AF16/54

10 June 2016

Sent to all CEO's

Dear CEO

Review of Delegations to the Eastern Health Authority (EHA)

As you would be aware councils are required to review their delegations at least once in every financial year pursuant to Section 44(6) of the Local Government Act 1999.

As previously agreed EHA has committed to lead the review process in relation to the delegations made to EHA by its Constituent Councils. This agreement was made to ensure continuity and consistency of the delegations used by EHA. Constituent Councils have considered their respective delegations to EHA as a separate process from all other delegations they may make since 2007.

The reasoning behind the approach was based on the following:

- The previous approach where councils considered all of their respective delegations in a single report would require EHA to review its delegations and sub delegations on five separate occasions each year to accord with the reviews undertaken by each of its five Constituent Councils.
- Should EHA not review its delegations five times per year to accord with the reviews undertaken by EHA's Constituent Councils, there would be periods of time during which the EHA's delegations and sub delegations were no longer in force if the Constituent Councils have revoked their previous delegations to EHA.
- There may be inconsistencies in the way in which each of the Constituent Councils delegate powers and functions under the relevant Acts to EHA.

EHA has now undertaken a review of all delegations currently in place and requests that the reviewed Instruments of Delegation which are enclosed are adopted by your council.

The draft resolutions have been drafted so that the delegations to EHA from the Constituent Councils will come into effect on 31 August 2016. This is the date that EHA's Board of Management will subdelegate the powers and functions delegated to EHA to the Chief Executive Officer and staff of EHA. It is therefore necessary for your council to adopt the instruments prior to this date.

To assist your council with the process I have enclosed the following documents and included instructions in relation to their use

1. Draft Resolution for the Making of Delegations — Council to Eastern Health Authority:

The draft resolutions are in substantially the same format as the draft resolutions that appear on the LGA website in respect of the template Instruments of Delegations, albeit with necessary modification. Accordingly the draft resolutions will be familiar to Constituent Councils.

The draft resolution provides for the revocation of delegations under the six Acts listed at clause 1.1. You will note that in the instance where a Constituent Council revokes its previous delegations to EHA, the draft resolutions provide for that revocation to take effect from 31 August 2016.

This will assist in ensuring that there is no gap between the period that the Constituent Councils make delegations to EHA and EHA subdelegates those powers and functions delegated to it.

Clause 2 delegates powers via the Local Government Act in relation to the Environment Protection Act, Expiation of Offences Act, Housing Improvement Act, Safe Drinking Water Act and South Australian Public Health Act.

Clause 2 requires the insertion of:

- [X] – the report date
- [Y] – the report title
- [insert day] of [insert month] 201[] (the date of the council meeting to consider the delegations)

Clause 3 directly delegates powers under the Supported Residential Facilities Act.

Clause 3 require the insertion of:

- [X] – the report date
- [Y] – the report title
- [insert day] of [insert month] 201[] (the date of the council meeting to consider the delegations)

Clause 4 of the draft resolution provides for an acknowledgment that EHA is an enforcement agency for the purposes of the Food Act 2001 and further that EHA is completely responsible for the operation and enforcement of the Food Act 2001 within the area of the relevant council. This is due to the fact that EHA receives its powers directly from the legislation by virtue of it being a regional subsidiary.

The resolution also acknowledges that the Chief Executive Officer of EHA, being the principal officer of EHA, is the head of an enforcement agency pursuant to Regulation 5 of the Food Regulations 2002.

Clause 4 at 4.1.2 requires the insertion of the name of your council at [insert name of Council].

Clause 5 provides for delegations in relation to the commencement of prosecutions under the:

- Housing Improvement Act 1940;
- South Australian Public Health Act 2011, South Australian Public Health (General) Regulations 2013, South Australian Public Health (Waste Water) Regulations 2013 and the South Australian Public Health (Legionella) Regulations 2013.
- Supported Residential Facilities Act 1992 and the Supported Residential Facilities Regulations 2009.

Clause 5.1 and 5.2 require the insertion of :

At [insert date], the date of the council meeting to consider the delegations.

Delegations to commence prosecutions under the Food Act 2001 are unnecessary as EHA is the enforcement agency under that Act. In addition the majority of EHA's powers under the Environment Protection Act 1993 come directly from the Environment Protection Authority and not the Constituent Councils. Powers to commence prosecutions under the Safe Drinking Water Act 2011 are provided directly to authorised officers appointed under that legislation by EHA.

In all instances it is proposed as has been the case in the past that the powers and functions delegated to EHA by the Constituent Councils are able to be sub delegated by EHA as it sees fit.

The standard conditions of delegation requires the insertion of the name of your council at [insert name of Council].

2. Various Instruments of Delegations (Appendices 1 to 6)

The Instruments of Delegation listed below are reasonably self-explanatory.

Appendix 1	Environment Protection Act 1993 and Environment Protection (Waste to Resources) Policy 2010
Appendix 2	Expiation of Offences Act 1996
Appendix 3	Housing Improvement Act 1940
Appendix 4	Safe Drinking Water Act 2011
Appendix 5	South Australian Public Health Act 2011; South Australian Public Health (Wastewater) Regulations 2013 South Australian Public Health (Legionella) Regulations 2013 and South Australian Public Health (General) Regulations 2013.
Appendix 6	Supported Residential Facilities Act 1992 and Supported Residential Facilities Regulations 2009

In the main, it has only been necessary to make minor changes to the instruments previously adopted by Constituent Councils to bring them in line with the templates on the Local Government Association website. However:

- Changes have been made to the instrument of delegation under the Supported Residential Facilties Act to take into account the State Government's 2015 abolition of the SRF Advisory Committee and to include powers to revoke or vary exemptions

granted from the Regulations. The previous omission of the latter powers was an oversight;

- Reference has now been expressly made in the instrument of delegation under the Expiation of Offences Act to the power of EHA to issue expiation notices for alleged offences against the South Australian Public Health (General) Regulations. This brings the approach under this regulation into line with EHA's power under the South Australian Public Health Act and the other regulations made under that Act;
- A new power has been included at paragraph 34 of the South Australian Public Health Act instrument as a result of a legislative amendment that occurred in 2015.

The Instruments are in the same format as the Instruments of Delegation on the LGA website and accordingly amendments to the Instruments can be easily attended to in the future by reference to the updated instruments that are prepared and placed on the LGA website.

The documents enclosed with this correspondence have also been provided to council in an electronic format via e-mail to Lisa Mara.

Once your council has considered the delegations review it would be appreciated if you would provide EHA with a copy of the report, attachments and minutes which are required for the subdelegation process. It would be appreciated if these documents are forwarded to EHA as soon as practically possible following your council meeting to enable a report to be presented to the Board of Management meeting on 31 August 2016.

I hope this information is useful in relation to the review of delegations process and trust that the proposed review process timeline is acceptable to you. If you would like to discuss any issue in relation to the delegation review please contact me on telephone 8132 3611.

Yours sincerely

Michael Livori
Chief Executive Officer

Encl

DRAFT RESOLUTION FOR THE MAKING OF DELEGATIONS

COUNCIL TO EASTERN HEALTH AUTHORITY

That having conducted its annual review of the Council's Delegations to the Eastern Health Authority (EHA) in accordance with Section 44(6) of the Local Government Act 1999, the Council:

1. Revocations

- 1.1 Hereby revokes its previous delegations to the EHA of those powers and functions under the following:
 - 1.1.1 Environment Protection Act 1993
 - 1.1.2 Expiation of Offences Act 1996
 - 1.1.3 Housing Improvement Act 1940
 - 1.1.4 Local Government Act 1999
 - 1.1.5 South Australian Public Health Act 2011 along with the South Australian Public Health (Legionella) Regulations 2013 and the South Australian Public Health (Wastewater) Regulations 2013
 - 1.1.6 Supported Residential Facilities Act 1992
 - 1.1.7 Safe Drinking Water Act 2011

With effect from 31 August 2016

2. Delegations made under Local Government Act 1999

- 2.1 In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the following Acts and specified in the proposed Instruments of Delegation contained in Appendices 1- 5 of the Report dated [X] and entitled [Y] (each of which is individually identified as indicated below) are hereby delegated this [insert day] of [insert month] 201[] to EHA with effect from 31 August 2016 subject to the conditions and or limitations specified herein or in the Schedule of Conditions in each such proposed Instrument of Delegation.
 - 2.1.1 Environment Protection Act 1993 (Appendix 1);
 - 2.1.2 Expiation of Offences Act 1996 (Appendix 2);
 - 2.1.3 Housing Improvement Act 1940 (Appendix 3);
 - 2.1.4 Safe Drinking Water Act 2011 (Appendix 4);
 - 2.1.5 South Australian Public Health Act 2011 along with the South Australian Public Health (Legionella) Regulations 2013, South Australian Public Health (Wastewater) Regulations 2013 and the South Australian Public Health (General) Regulations 2013 (Appendix 5)

DRAFT RESOLUTIONS FOR THE MAKING OF DELEGATIONS

2.2 Such powers and functions may be further delegated by EHA in accordance with Section 44 of the Local Government Act 1999 as EHA sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegation.

3. Delegations under Supported Residential Facilities Act 1992

3.1 In exercise of the power contained in Section 9 of the Supported Residential Facilities Act 1992, the powers and functions under the Supported Residential Facilities Act 1992 and the Supported Residential Facilities Regulations 2009 specified in the proposed Instrument of Delegation contained in Appendix 6 to the Report dated [X] and entitled [Y] are hereby delegated this [insert day] of [insert month] 20[] to EHA with effect from 31 August 2016 subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Supported Residential Facilities Act 1992.

3.2 Such powers and functions may be further delegated by EHA as EHA sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Supported Residential Facilities Act 1992.

4. Enforcement Agency under the Food Act 2001

4.1 The Council acknowledges that:

- 4.1.1 EHA has been established as a regulatory subsidiary and is thereby prescribed, pursuant to Section 4 of the Food Act 2001 and in accordance with Regulation 4(1) of the Food Regulations 2002, as an enforcement agency for the purposes of the Food Act 2001; and
- 4.1.2 EHA is completely responsible for the operation and enforcement of the Food Act 2001 within the area of [insert name of Council];
- 4.1.3 the Chief Executive Officer of EHA, as the person designated by the Constituent Councils of EHA as the principal officer of EHA, is, pursuant to Regulation 5 of the Food Regulations 2002, prescribed as the head of an enforcement agency for the purposes of the Food Act 2001.

5. Prosecutions

5.1 In exercise of the powers contained in Section 44 of the Local Government Act 1999 the Council delegates this [insert date] the powers under Sections 6 and 36(1) of the Local Government Act 1999 to EHA to commence a prosecution for a breach of the Housing Improvement Act 1940, the South Australian Public Health Act 2011, the South Australian Public Health (General) Regulations 2013, the South Australian Public Health (Legionella) Regulations 2013, and the South Australian Public Health (Wastewater) Regulations 2013 where those instruments empower the Council to commence prosecution for a breach and

DRAFT RESOLUTIONS FOR THE MAKING OF DELEGATIONS

to do anything necessary, expedient or incidental to performing or discharging the Council's power with effect from 31 August 2016, and such power may be further delegated by EHA as EHA sees fit.

- 5.2 In exercise of the powers contained in Section 9(2) of the Supported Residential Facilities Act 1992 and Section 44 of the Local Government Act 1999 the Council delegates this [insert date] the powers under Sections 6 and 36(1) of the Local Government Act 1999 and Section 9(1) of the Supported Residential Facilities Act 1992 to EHA to commence a prosecution for a breach of the Supported Residential Facilities Act 1992 and/or the Supported Residential Facilities Regulations 2009 where those instruments empower the Council to commence prosecution for a breach and to do anything necessary, expedient or incidental to performing or discharging the Council's power with effect from 31 August 2016, and such power may be further delegated by EHA as EHA sees fit.

DRAFT RESOLUTIONS FOR THE MAKING OF DELEGATIONS

STANDARD CONDITIONS OF DELEGATIONS MADE BY THE

[INSERT NAME OF COUNCIL]

The delegations made by the Council to EHA take effect from 31 August 2016 and the powers and functions so delegated may not be exercised by EHA until that date.

APPENDIX 1

**INSTRUMENT OF DELEGATION UNDER THE
ENVIRONMENT PROTECTION ACT 1993 AND
THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES) POLICY 2010**

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

**POWERS AND FUNCTIONS DELEGATED BY THE COUNCIL IN THIS
INSTRUMENT TO THE EASTERN HEALTH AUTHORITY**

1. The power pursuant to Section 85(3) of the Environment Protection Act 1993 ("the Act"), to appoint authorised officers for the purposes of the Act.
2. The power pursuant to Section 85(4) of the Act to make an appointment under Section 85(3) of the Act subject to conditions to be specified in the instrument of appointment, and subject to conditions prescribed by regulation.
3. The power pursuant to Section 85(5) of the Act to revoke an appointment or to vary or revoke a condition specified in the instrument of such an appointment or impose a further such condition.
4. Site Contamination Assessment Orders <p><i>Deliberately left blank</i></p>
5. Site Remediation Orders <p><i>Deliberately left blank</i></p>
6. <i>Deliberately left blank</i>

**DELEGATIONS UNDER THE ENVIRONMENT PROTECTION
(WASTE TO RESOURCES) POLICY 2010**

6A. <i>Deliberately left blank</i>
7. The duty pursuant to Clause 17(2) of the Policy to ensure that the following

**INSTRUMENT OF DELEGATION UNDER THE ENVIRONMENT PROTECTION ACT 1993
AND THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES) POLICY 2010**

<p>provisions are complied with in relation to any medical waste received by the Eastern Health Authority:</p>	
(a)	if any other waste is mixed with medical waste, the other waste is to be dealt with under this clause in the same way as is required in relation to medical waste;
(b)	all medical waste must be stored in containers that are weatherproof, shatterproof, insect and vermin proof, and leak proof or, in the case of containers storing only medical sharps or any other sharp articles, leak resistant;
(c)	all containers for medical waste that are kept for further use must be thoroughly cleaned and disinfected as soon as reasonably practicable after emptying;
(d)	all containers used for the storage or transport of medical waste must be clearly labelled as containing medical waste;
(e)	all containers of medical waste must be stored in a secure location;
(f)	all necessary equipment required to clean and disinfect the area in case of accidental spillage of medical waste must be readily available and accessible;
(g)	discarded medical sharps or any other sharp articles must be contained for disposal in containers that comply with the requirements of the Standards, as amended from time to time, set out in Clause 17(2)(g)(i) of the Policy and the containers must not be subject to compaction by a compacting device nor placed for storage or transport in a portable or mobile compactor;
(h)	medical waste must be disposed of as soon as reasonably practicable;
(i)	all medical waste must be:
	(i) disposed of by incineration; or
	(ii) disposed of by such other method of treatment or disposal as is approved by the Authority and subject to such conditions as the Authority thinks fit;
	(iii) collected for disposal by -
	(A) a licensed waste transporter authorised to collect and transport medical waste; or
	(B) a council;

**INSTRUMENT OF DELEGATION UNDER THE ENVIRONMENT PROTECTION ACT 1993
AND THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES) POLICY 2010**

- | | |
|-----|---|
| (j) | before the collection of medical waste for disposal, the transporter must be advised of the nature of the waste, hazards associated with the waste and any precautions that need to be taken during the collection, transport or disposal of the medical waste; |
| (k) | the transporter must be given such assistance as is required to ensure that loading operations are carried out in such a way as to prevent spillage of any medical waste. |

**INSTRUMENT OF DELEGATION UNDER THE ENVIRONMENT PROTECTION ACT 1993
AND THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES) POLICY 2010**

SCHEDULE OF CONDITIONS

**CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
	NIL

APPENDIX 2

INSTRUMENT OF DELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED BY THE COUNCIL IN THIS INSTRUMENT TO THE EASTERN HEALTH AUTHORITY

1. Certain Offences may be Expiated
1.1. The power pursuant to Section 5(1) of the Expiation of Offences Act 1996 (“the Act”) to issue an expiation notice under the Act to a person alleged to have committed an offence under:
1.1.1. Housing Improvement Act 1940;
1.1.2. South Australian Public Health Act 2011 along with the South Australian Public Health (General) Regulations 2013, the South Australian Public Health (Legionella) Regulations 2013 and the South Australian Public Health (Wastewater) Regulations 2013;
1.1.3. Supported Residential Facilities Act 1992,
and the alleged offence may accordingly be expiated in accordance with the Act.
2. Expiation Notices
2.1 The power pursuant to Section 6(3)(b)(ii) of the Act to authorise a person in writing to give an expiation notice for an alleged offence under:
2.1.1 Housing Improvement Act 1940;
2.1.2 South Australian Public Health Act 2011 along with the South Australian Public Health (General) Regulations 2013, the South Australian Public Health (Legionella) Regulations 2013 and the South Australian Public Health (Wastewater)

INSTRUMENT OF DELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996

	Regulations 2013;
	2.1.3 Supported Residential Facilities Act 1992.
3. Review of Notices on Ground that Offence is Trifling	
3.1	The power pursuant to Section 8A(2) and (3) of the Act to require an alleged offender who is seeking a review of the notice on the ground that the offence is trifling:
3.1.1	to provide further information; and
3.1.2	to provide a statutory declaration verifying the information contained in, or supporting, an application for review.
3.2	The duty pursuant to Section 8A(4) of the Act to determine an application for review before issuing a certificate for an enforcement determination in respect of the offence to which the application relates.
3.3	The duty pursuant and subject to Section 8A(5) and (6) of the Act upon being satisfied the offence is trifling to withdraw the expiation notice in respect of the offence by giving written notice to the alleged offender.
3A. Arrangements as to Manner and Time of Payment	
3A.1	The power pursuant to Section 9(2) of the Act to agree with the Fines Enforcement and Recovery Officer the manner in which the Fines Enforcement Recovery Officer must give Eastern Health Authority (EHA) notice of any arrangement entered into under Section 9 of the Act.
3A.2	The power pursuant to Section 9(12) of the Act, if an arrangement terminates under Section (9), (10) or (11) of the Act, to agree with the Fines Enforcement and Recovery Officer the manner in which the Fines Enforcement and Recovery Officer must give the EHA notice of the termination and the amount then outstanding (taking into account, where the arrangement required the performance of community service, the number of hours of community service so performed).
4. Expiation Reminder Notices	
4.1	The duty pursuant to Section 11 of the Act where an alleged offender has neither paid the expiation fee nor entered into an arrangement under Section 9 of the Act and the Council or EHA has not received a statutory declaration or other document sent to the Council or EHA by the alleged offender in accordance with a notice required by law to accompany the expiation notice, by the end of the expiation period, and before the Delegate takes any action under this Act to enforce the expiation notice, to send an expiation reminder notice in the prescribed

INSTRUMENT OF DELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996

form to the alleged offender before any action is taken under the Act to enforce the expiation notice.
5. Expiation Enforcement Warning Notices
5.1 The duty pursuant to Section 11A of the Act where the Council or EHA has received a statutory declaration or other document sent to the Council or EHA by the alleged offender in accordance with a notice required by law to accompany the expiation notice or expiation reminder notice, and before the Delegate takes action under this Act to enforce the expiation notice, to send an expiation enforcement warning notice, in the prescribed form, to the alleged offender by post.
6. Late Payment
6.1 The power pursuant to Section 12 of the Act to accept late payment of the amount due under an expiation notice at any time before an enforcement determination is made under Section 13 of the Act.
7. Enforcement Determinations
7.1 The power pursuant to Section 13(1) of the Act to enforce an expiation notice against an alleged offender by sending to the Fines Enforcement and Recovery Officer:
7.1.1 a certificate that contains the particulars determined by the Fines Enforcement and Recovery Officer relating to:
7.1.1.1 the alleged offender; and
7.1.1.2 the offence or offences that remain unexpiated; and
7.1.1.3 the amount due under the notice; and
7.1.1.4 compliance by EHA as the authority with the requirements of the Act and any other Act;
7.1.2 the prescribed fee.
7.2 The power pursuant to Section 13(4) of the Act to apply to the Fines Enforcement and Recovery Officer under and in accordance with Section 13 of the Act within 30 days of notice of an enforcement determination being given, sent or published in accordance with Section 13 of the Act for the enforcement determination to be revoked.
8. Withdrawal of Expiation Notices

INSTRUMENT OF DELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996

8.1	The power pursuant to Section 16(1) of the Act, to withdraw an expiation notice with respect to all or any of the alleged offences to which an expiation notice relates where:
8.1.1	in the opinion of the Delegate the alleged offender did not commit the offence or offences, or that the notice should not have been given with respect to the offence or offences;
8.1.2	the Council or EHA as issuing authority receives a statutory declaration or other document sent to the Council or EHA by the alleged offender in accordance with a notice required by law to accompany the expiation notice or expiation reminder notice; or
8.1.3	the notice is defective; or
8.1.4	the Delegate decides that the alleged offender should be prosecuted for the offence or offences.
8.2	The power pursuant to Section 16(5) of the Act, where an expiation notice is withdrawn under subsection (1), to commence prosecution for an offence to which the notice related.
8.3	The duty pursuant to Section 16(6) of the Act, subject to Section 16(7) of the Act, to withdraw an expiation notice if it becomes apparent that the alleged offender did not receive the notice until after the expiation period, or has never received it, as a result of error on the part of the Council or EHA as issuing authority or failure of the postal system.
8.4	The duty pursuant to Section 16(11) of the Act, where an expiation notice is withdrawn under Section 16 of the Act and the notice of withdrawal does not specify that the notice is withdrawn for the purposes of prosecuting the alleged offender, and if an enforcement determination has been made under Section 13 of the Act, to inform the Fines and Enforcement Recovery Officer of the withdrawal of the notice.
9.	Provision of Information
9.1	The power pursuant to Section 18 of the Act to enter into an agreement with the Fines Enforcement and Recovery Officer in relation to:
9.1.1	the manner in which the Fines Enforcement and Recovery Officer is to provide information to EHA in relation to action taken by the Fines Enforcement and Recovery Officer under the Act in respect of an expiation notice issued by EHA as a delegate of the Council; and
9.1.2	the manner in which EHA is to provide information to the Fines

INSTRUMENT OF DELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996

Enforcement and Recovery Officer in relation to the issuing of an expiation notice by EHA as a delegate of the Council or any other action taken by EHA as a delegate of the Council in respect of an expiation notice so issued.

INSTRUMENT OF DELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996**SCHEDULE OF CONDITIONS****CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
	NIL

APPENDIX 3

INSTRUMENT OF DELEGATION UNDER THE HOUSING IMPROVEMENT ACT 1940

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED BY THE COUNCIL IN THIS INSTRUMENT TO THE EASTERN HEALTH AUTHORITY

1. Power to Declare Houses Unfit for Habitation
1.1 The power pursuant to Section 23(1) of the Housing Improvement Act 1940 ("the Act"):
1.1.1 to make due inquiries and obtain such reports as the Delegate deems necessary to be satisfied that any house is undesirable for human habitation or is unfit for human habitation;
1.1.2 to declare that the house -
1.1.2.1 is undesirable for human habitation; or
1.1.2.2 is unfit for human habitation.
1.2 The duty pursuant to Section 23(2) of the Act where any house has been declared undesirable or unfit for human habitation -
1.2.1 to serve on the owner of the house a declaration together with a written statement setting out particulars of the deficiencies and directing the owner, within a specified time (being not less than one month after the service of the declaration) -
1.2.1.1 to carry out such work in respect of the house (including, if so directed, partial demolition) as is directed in the notice; or
1.2.1.2 if the Delegate is of the opinion that it is impracticable to make the house desirable or fit for human habitation, to

INSTRUMENT OF DELEGATION UNDER THE HOUSING IMPROVEMENT ACT 1940

demolish the house; and	
1.2.2 to serve a copy of the declaration, statement and direction on any occupier of the house and on every registered mortgagee of the land on which the house is situated; and	
1.3	The power pursuant to Section 23(2) of the Act where any house has been declared undesirable or unfit for human habitation -
1.3.1	if the direction is to demolish, to serve on the occupier (if any) a written notice requiring the occupier to vacate the house within a specified period being not less than one month after service; and
1.3.2	where the direction requires any work to be carried out in respect of the house, to serve on any occupier (if any) a written notice to vacate the house within a specified period being not less than one month after service, unless the house is, to the satisfaction of the Delegate, made to comply with the directions given by the Delegate before the expiration of the specified period.
1.4	The power pursuant to Section 23(3) of the Act to certify in writing that the house that has been declared undesirable for human habitation or unfit for human habitation complies with the direction given by the Delegate and in the time specified in the direction under Section 23(2)(c) or (d).
1.5	The power pursuant to Section 23(5) of the Act where an owner fails to comply with any direction under Section 23 within the time specified in the direction –
1.5.1	to do anything that is necessary to make the house comply with the direction or demolish the house;
1.5.2	to recover any expenses incurred from the owner of the house;
1.5.3	to sell or dispose of any material taken from the house;
1.6	The duty pursuant to Section 23(5)(d) of the Act to apply the proceeds of any sale for or towards the expenses incurred by the Council and pay any surplus (if any) in discharge of the mortgage or encumbrance of any registered mortgagee of the land in accordance with their respective priorities and to pay any remaining balance to the owner.
2. Power of Housing Authority	
2.1	The power pursuant to Section 25(1) of the Act to consult with the Housing Authority and the duty pursuant to Section 25(1) of the Act, if required by the Housing Authority by notice in writing, within the time specified in the notice, to make a declaration pursuant to Section 23 of the Act with respect to the house in the form required by the Housing Authority and to give any direction or notice or otherwise exercise any power under Section

INSTRUMENT OF DELEGATION UNDER THE HOUSING IMPROVEMENT ACT 1940

23 in the manner required by the Housing Authority.
3. Power to Declare Clearance Area
3.1 The power pursuant to Section 33(3)(a)(i) of the Act to consult with the Housing Authority where the Housing Authority is intending to submit a recommendation to the Governor under Section 33 of the Act; and
3.2 The power pursuant to Section 33(b) to make any objections to the Housing Authority, in relation to such recommendation.
4. Powers of Entry and Inspection
4.1 The power pursuant to Section 67 of the Act to authorise persons to enter into and upon any premises at any reasonable hour for the purposes of -
4.1.1 examining the condition, standard of sanitation and hygiene, and state of repair of the premises;
4.1.2 ascertaining whether any of the provisions of the Act are being or have been contravened;
4.1.3 executing any work authorised to be executed or made by or under the Act;
4.1.4 generally, enforcing the provisions of the Act.
5. Dispossession of occupiers failing to vacate premises when required to do so
5.1 The power pursuant to Section 71 of the Act, where any person, after he has been required under the Act by the Council to vacate a house or building, and the person refuses or neglects to vacate the same, to apply and to authorise a person to apply upon a complaint to be laid by him, in the form set out in Schedule 1 to the Act or to the like effect, to any justice, for the justice to issue a summons in the form set out in Schedule 2 to the Act or to the like effect calling upon the occupier of such house or building to appear at a time and place to be therein specified before a court of Summary Jurisdiction consisting of a special magistrate, sitting without any other justice or justices, which court may hear and determine the matter of the complaint in a summary way in the absence of the occupier or otherwise.

INSTRUMENT OF DELEGATION UNDER THE HOUSING IMPROVEMENT ACT 1940**SCHEDULE OF CONDITIONS****CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitation s apply	Conditions / Limitations
	NIL

APPENDIX 4

INSTRUMENT OF DELEGATION UNDER THE SAFE DRINKING WATER ACT 2011

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED BY THE COUNCIL IN THIS INSTRUMENT TO THE EASTERN HEALTH AUTHORITY

5. Drinking water providers to be registered
(2) The power pursuant to Section 5(2)(a) and (b) of the Safe Drinking Water Act 2011 (the Act) and in accordance with Section 5(3) of the Act to make an application for registration of the Council under the Act to the Minister and in a manner and form determined by the Minister.
8. Conditions of registration
(3) The power pursuant to Section 8(3) of the Act where the Council holds a registration, to make application to the Minister in a manner and form determined by the Minister, requesting the variation of a condition to which the registration is subject.
9. Suspension of registration
(5) The power pursuant to Section 9(5) of the Act after the Council or the Eastern Health Authority (EHA) has received notice from the Minister, lodge with the Minister a written objection (setting out the grounds of objection).
(6) The power pursuant to Section 9(5) of the Act to make submissions to the Minister in relation to the matter.
(10) The power pursuant to Section 9(10) of the Act where the Council's registration has been suspended to make application to the Minister for the cancellation of the suspension.
10. Appeals
(1) The power pursuant to Section 10(1) of the Act and in accordance with

**INSTRUMENT OF DELEGATION UNDER THE
SAFE DRINKING WATER ACT 2011**

<p>Section 10(2) of the Act, to appeal to the District Court against:</p> <ul style="list-style-type: none"> (a) a condition imposed by the Minister in relation to a registration under Part 2 of the Act; (b) a variation of a condition of registration made by the Minister on the Minister's own initiative; or (c) a decision of the Minister to refuse to grant an application to vary a condition of registration; or (d) a decision of the Minister to suspend a registration under Part 2 of the Act. 	
<p>12. Drinking water providers to prepare, implement and review risk management plans</p>	
<p>(1) The power pursuant to Section 12(1) of the Act and in accordance with Section 13 of the Act, to:</p> <ul style="list-style-type: none"> (a) prepare a risk management plan in relation to the supply of drinking water to the public; and (b) keep the plan under continuous review with a view to updating and improving it; and (c) revise any aspect of the plan that is found, on review, to need revision. 	
<p>(3) The power pursuant to Section 12(3) of the Act, if a standard risk management plan is in place under Section 12(2) of the Act and the Council falls within the specified class to which the standard risk management plan applies, to, subject to any requirement published by the Chief Executive in connection with the risk management plan and in a manner and form determined by the Chief Executive, adopt the standard risk management plan rather than preparing a separate plan under Section 12(1)(a) of the Act.</p>	
<p>14. Related matters</p>	
<p>(2) The power pursuant to Section 14(2) of the Act, to furnish to the Minister in a manner and form determined by the Minister a copy of the Council's monitoring program and incident identification and notification protocol.</p>	
<p>(3) (b) The power pursuant to Section 14(3)(b) of the Act to consult with the Minister in relation to alterations to the program or protocol (or both) submitted for the purposes of Section 14 of the Act.</p>	
<p>(4) The power pursuant to Section 14(4) of the Act and in accordance with</p>	

**INSTRUMENT OF DELEGATION UNDER THE
SAFE DRINKING WATER ACT 2011**

<p>Section 14(5) of the Act, where the Council is required to make an alteration under Section 14(3), to appeal to the District Court against the requirement.</p>
<p>34. Appointment of authorised officers</p>
<p>(1) <i>Deliberately left blank</i></p>
<p>(2) <i>Deliberately left blank</i></p>
<p>35. Certificates of authority</p>
<p>(1) <i>Deliberately left blank</i></p>
<p>(2) <i>Deliberately left blank</i></p>
<p>37. Seizure orders</p>
<p>(3) (a) <i>Deliberately left blank</i></p>
<p>(d) <i>Deliberately left blank</i></p>
<p>38. Notices</p>
<p>(1) <i>Deliberately left blank</i></p>
<p>(6) The power pursuant to Section 38(6) of the Act to, by written notice served on a person to whom a notice under Section 38 has been issued by the Council, vary or revoke the notice.</p>
<p>39. Action or non-compliance with a notice</p>
<p>(1) The power pursuant to Section 39(1) of the Act, if the requirements of a notice under Division 3 of the Act by the Council are not complied with, to take any action required by the notice.</p>
<p>(2) The power pursuant to Section 39(2) of the Act to authorise another person to take action under Section 39(1) of the Act on the Council's behalf.</p>
<p>(4) The power pursuant to Section 39(4) of the Act to recover the reasonable costs and expenses incurred by the Council in taking action under Section 39 of the Act from the person who failed to comply with the requirements of the notice as a debt in a court of competent jurisdiction.</p>
<p>(5) The power pursuant to Section 39(5) of the Act, if an amount is recoverable from a person by the Council under Section 39 of the Act, 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</p>

**INSTRUMENT OF DELEGATION UNDER THE
SAFE DRINKING WATER ACT 2011**

person.
40. Action in emergency situations
(5) The power pursuant to Section 40(5) of the Act to recover the reasonable costs and expenses incurred by an authorised officer of the Council in taking action under Section 40 of the Act as a debt in a court of competent jurisdiction.
41. Specific power to require information
(1) <i>Deliberately left blank</i>
42. Appeals
(3) The power pursuant to Section 42(3) of the Act to apply for the Council to be a party to proceedings under Section 42 of the Act.
52. Annual reports by enforcement agencies
(1) The power pursuant to Section 52(1) of the Act to on or before 30 September in each year, furnish to the Minister a report on the activities of the Council under the Act during the financial year ending on the preceding 30 June.

**INSTRUMENT OF DELEGATION UNDER THE
SAFE DRINKING WATER ACT 2011**

SCHEDULE OF CONDITIONS

**CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Section(s) in Act to which conditions/ limitations apply	Conditions / Limitations

APPENDIX 5

**INSTRUMENT OF DELEGATION UNDER THE SOUTH AUSTRALIAN PUBLIC
HEALTH ACT 2011 AND SOUTH AUSTRALIAN PUBLIC HEALTH (LEGIONELLA)
REGULATIONS 2013, SOUTH AUSTRALIAN PUBLIC HEALTH
(WASTEWATER) REGULATIONS 2013 AND SOUTH AUSTRALIAN
PUBLIC HEALTH (GENERAL) REGULATIONS 2013**

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

**POWERS AND FUNCTIONS DELEGATED BY THE COUNCIL IN THIS
INSTRUMENT TO THE EASTERN HEALTH AUTHORITY**

1. Power to Require Reports
1.1 The power pursuant to Section 18(2) of the South Australian Public Health Act 2011 (the Act) to, if required by the Minister, provide a report on any matter relevant to the administration or operation of the Act.
1.2 The power pursuant to Section 18(3) of the Act to, if required by the Minister, in a case involving the Council provide a combined report with 1 or more other councils.
1.3 The power pursuant to Section 18(5) of the Act to provide the report in accordance with the requirements of the Minister.
2. Risk of Avoidable Mortality or Morbidity
2.1 The power pursuant to Section 22(2) of the Act, if the Eastern Health Authority (EHA) and/or the Council receives a request under Section 22(1) of the Act, to consider the request and then respond in accordance with Section 22(3) of the Act to the Chief Public Health Officer within a reasonable time.
2.2 The power pursuant to Section 22(3) of the Act to include in a response under Section 22(2) of the Act details about:
2.2.1 any steps already being taken by EHA and/or the Council that may be relevant in the circumstances; and

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**INSTRUMENT OF DELEGATION UNDER THE SOUTH
AUSTRALIAN PUBLIC HEALTH ACT 2011 AND SOUTH
AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013,
SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013
AND SOUTH AUSTRALIAN PUBLIC HEALTH (GENERAL) REGULATIONS 2013**

2.2.2	any plans that EHA and/or the Council may have that may be relevant in the circumstances; and
2.3	any steps that EHA and/or the Council is willing to take in the circumstances; and
2.4	any other matter relating to EHA and/or the Council that appears to be relevant.
3. Cooperation Between Councils	
3.1	The power pursuant to Section 39(1) of the Act to, in performing the Council's functions or exercising the Council's powers under the Act, act in conjunction or partnership with, or cooperate or coordinate the Council's activities with, 1 or more other councils
3.2	The power pursuant to Section 39(2) of the Act to, if requested by the Chief Public Health Officer, cooperate with 1 or more other councils.
3.3	The power pursuant to Section 39(3) of the Act to, if the Council receives a request under Section 39(2) of the Act, within 28 days after receiving the request or such longer period as the Chief Public Health Officer may specify, furnish the Chief Public Health Officer with a written report on the action that the Council intends to take in response to the request.
4. Power of Chief Public Health Officer to Act	
4.1	The power pursuant to Section 40(2) of the Act to consult with the Chief Public Health Officer.
5. Council Failing to Perform a Function Under Act	
5.1	The power pursuant to Section 41(1) of the Act to consult with the Minister in relation to the Minister's opinion that the Council has failed, in whole or in part, to perform a function conferred on the Council under the Act.
5.2	The power pursuant to Section 41(6) of the Act to:
5.2.1	make written submissions to the Minister in relation to the matter within a period specified by the Minister; and
5.2.2	request in the written submissions to the Minister that the Minister discuss the matter with a delegation representing the Council; and
5.2.3	appoint a delegation representing the Council to discuss the matter

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**INSTRUMENT OF DELEGATION UNDER THE SOUTH
AUSTRALIAN PUBLIC HEALTH ACT 2011 AND SOUTH
AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013,
SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013
AND SOUTH AUSTRALIAN PUBLIC HEALTH (GENERAL) REGULATIONS 2013**

with the Minister.	
6. Transfer of Function of Council at Request of Council	
6.1	The power pursuant to Section 42(1) of the Act to request, in accordance with Section 42(2), of the Act that a function of the Council under the Act be performed by the Chief Public Health Officer.
6.2	The power pursuant to Section 42(10) of the Act to enter into an agreement with the Minister for the Minister to recover costs and expenses associated with the Chief Public Health Officer acting under Section 42 of the Act.
6.3	The power pursuant to Section 42(11) of the Act to request that the Minister vary or revoke a notice under Section 42 of the Act.
6.4	The power pursuant to Section 42(11) of the Act to consult with the Minister in relation to the Minister varying or revoking a notice under Section 42 of the Act.
7. Local Authorised Officers	
7.1	The power pursuant to Section 44(1) of 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.
7.2	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.
7.3	The power pursuant to Section 44(4) of the Act to direct a local authorised officer.
7.4	The power pursuant to Section 44(6) of the Act to vary or revoke an appointment at any time.
7.5	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:
7.5.1	makes an appointment under Section 44 of the Act; or
7.5.2	revokes an appointment under Section 44 of the Act.
7.6	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

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**INSTRUMENT OF DELEGATION UNDER THE SOUTH
AUSTRALIAN PUBLIC HEALTH ACT 2011 AND SOUTH
AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013,
SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013
AND SOUTH AUSTRALIAN PUBLIC HEALTH (GENERAL) REGULATIONS 2013**

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.
8. Identity Cards
8.1 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:
8.1.1 containing the person's name and a photograph of the person; and
8.1.2 stating that the person is an authorised officer for the purposes of the Act; and
8.1.3 setting out the name or office of the issuing authority.
9. Specific Power to Require Information
9.1 The power pursuant to Section 49(1) of the Act to require a person to furnish such information relating to public health as may be reasonably required for the purposes of the Act.
10. Regional Public Health Plans
10.1 The power pursuant to Section 51(1) of the Act to in accordance with Sections 51(2), (5), (6), (8), (9), (11), (12), (13) and (15) of the Act prepare and maintain a plan or, if the Minister so determines or approves, with a group of councils, prepare and maintain a plan, for the purposes of the operations of the Council or Councils under the Act (a regional public health plan).
10.2 The power pursuant to Section 51(10) of the Act, to, subject to Section 51(11), amend a regional public health plan at any time.
10.3 The power pursuant to Section 51(11) of the Act to, in relation to any proposal to create or amend a regional public health plan:
10.3.1 prepare a draft of the proposal; and
10.3.2 when the draft plan is completed, subject to Section 51(12) of the Act:
10.3.2.1 give a copy of it to:
(a) the Minister; and

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**INSTRUMENT OF DELEGATION UNDER THE SOUTH
AUSTRALIAN PUBLIC HEALTH ACT 2011 AND SOUTH
AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013,
SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013
AND SOUTH AUSTRALIAN PUBLIC HEALTH (GENERAL) REGULATIONS 2013**

	(b) any incorporated hospital established under the <i>Health Care Act 2008</i> that operates a facility within the region; and
	(c) any relevant public health partner authority under Section 51(23); and
	(d) any other body or group prescribed by the regulations; and
10.3.2.2 take steps to consult with the public.	
10.4	The power pursuant to Section 51(12) of the Act to, if required by the Minister, consult with the Minister, or any other person or body specified by the Minister, before the Council or EHA releases a draft plan under Section 51(11).
10.5	The power pursuant to Section 51(13) of the Act to, before bringing a regional public health plan into operation, submit the plan to the Chief Public Health Officer for consultation.
10.6	The power pursuant to Section 51(15) of the Act to take into account any comments made by the Chief Public Health Officer, SAPHC, and any other body within the ambit of a determination under Section 51(14) of the Act, at the conclusion of the consultation processes envisaged by Sections 51(13) and (14).
10.7	The power pursuant to Section 51(16) of the Act to then adopt a plan or amend a plan with or without alteration.
10.8	<i>Deliberately left blank.</i>
10.9	The power pursuant to Section 51(18) of the Act to provide in a regional public health plan, by agreement with the public health partner authority, for a public health partner authority to take responsibility for undertaking any strategy, or for attaining any priority or goal, under the plan.
10.10	The power pursuant to Section 51(19) of the Act to review a regional public health plan at least once in every 5 years.
10.11	The power pursuant to Section 51(20) of the Act to, in preparing and reviewing the Council's regional public health plan insofar as is reasonably practicable, give due consideration to the plans of other councils insofar as this may be relevant to issues or activities under the Council's plan.
10.12	The power pursuant to Section 51(21) of the Act to, when performing

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<p>functions or exercising powers under the Act or any other Action on behalf of the Council, insofar as may be relevant and reasonable, have regard to the State Public Health Plan, any regional public health plan that applies within the relevant area and any other requirement of the Minister, and in particular to give consideration to the question whether the Council or EHA should implement changes to the manner in which, or the means by which, the Council or EHA performs a function or exercises a power or undertakes any other activity that has been identified in the State Public Health Plan as requiring change.</p>
<p>11. Reporting on Regional Public Health Plans</p>
<p>11.1 The power pursuant to Section 52(1) of the Act to, in relation to a regional health plan for which the Council is responsible, on a 2 yearly basis, prepare a report that contains a comprehensive assessment of the extent to which, during the reporting period, the Council has succeeded in implementing its regional public health plan to the Chief Public Health Officer in accordance with Sections 52(2), (3) and (4) of the Act.</p>
<p>12. Action to Prevent Spread of Infection</p>
<p>12.1 The power pursuant to Section 66(6) of the Act to recover as a debt costs and expenses reasonably incurred in exercising powers under Section 66(5) of the Act from the person who failed to take the required action.</p>
<p>12.2 The power pursuant to Section 66(9) of the Act to, if the Chief Public Health Officer informs the Council of the occurrence of a disease constituting a notifiable condition, take such action as is reasonably open to EHA to assist in preventing the spread of the disease.</p>
<p>13. Notices</p>
<p>13.1 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:</p>
<p>13.1.1 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</p>
<p>13.1.2 averting, eliminating or minimising a risk, or a perceived risk, to public health.</p>
<p>13.2 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:</p>

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13.2.1	have regard to:
13.2.1.1	the number of people affected, or potentially affected, by the breach of the duty;
13.2.1.2	the degree of harm, or potential degree of harm, to public health on account of the breach of the duty;
13.2.1.3	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 EHA thinks fit; and
13.2.2	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:
13.2.2.1	stating the proposed action, including the terms of the proposed notice and the period within which compliance with the notice will be required; and
13.2.2.2	stating the reasons for the proposed action; and
13.2.2.3	inviting the person show, within a specified time (of a reasonable period), why the proposed action should not be taken (by making representations to EHA or a person nominated to act on behalf of the Council).
13.3	The power pursuant to Section 92(2)(b)(iii) of the Act to nominate a person to act on behalf of the Council.
13.4	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:
13.4.1	issue a notice in accordance with the terms of the original proposal; or
13.4.2	issue a notice with modifications from the terms of the original proposal; or
13.4.3	determine not to proceed further under Section 92.
13.5	The power pursuant to Section 92(4) of the Act to:
13.5.1	not give notice under Section 92(2)(b) of the Act if the Delegate

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	considers that urgent or immediate action is required in the circumstances of the particular case; and
13.5.2	not give further notice before issuing a notice with modifications under Section 92(3)(b) of the Act.
13.6	The power pursuant to Section 92(5) of the Act issue a notice under Section 92 of the Act:
13.6.1	in the form of a written notice served on the person to whom it is issued; and
13.6.2	specifying the person to whom it is issued (whether by name or by a description sufficient to identify the person); and
13.6.3	directing 2 or more persons to do something specified in the notice jointly; and
13.6.4	without limiting any other provision, in the case of a notice that relates to the condition of any premises, to any person who:
13.6.4.1	is the owner or occupier of the premises; or
13.6.4.2	has the management or control of the premises; or
13.6.4.3	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
13.6.5	stating the purpose for which the notice is issued and giving notice of the requirement or the risk to which it relates; and
13.6.6	imposing any requirement reasonably required for the purpose for which the notice is issued including 1 or more of the following:
13.6.6.1	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;
13.6.6.2	a requirement that the person not carry on a specified activity except at specified times or subject to specified conditions;
13.6.6.3	a requirement that the person take specified action in a specified way, and within a specified period or at

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	specified times or in specified circumstances;
13.6.6.4	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;
13.6.6.5	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;
13.6.6.6	a requirement that the person undertake specified tests or monitoring;
13.6.6.7	a requirement that the person furnish to a relevant authority specified results or reports;
13.6.6.8	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;
13.6.6.9	a requirement prescribed under or for the purposes of the regulations; and
13.6.7	stating that the person may, within 14 days, apply for a review of the notice or institute an appeal against the notice under the provisions of the Act.
13.7	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 EHA or the Council, vary or revoke the notice.
13.8	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 EHA issues a notice under Section 92 of the Act.
14. Action on Non-compliance with Notice	
14.1	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.
14.2	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

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the Act.	
14.3	The power pursuant to Section 93(4) of the Act to recover the reasonable costs and expenses incurred by EHA or 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.
14.4	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.
15. Action in Emergency Situations	
15.1	The power pursuant to Section 94(5) of the Act to recover the reasonable costs and expenses incurred by a local authorised officer in taking action under Section 94 from any person who caused the risk to which the action relates, as a debt.
16. Reviews – Notices Relating to General Duty	
16.1	The power pursuant to Section 95(13) of the Act to appear in proceedings before the Review Panel as a representative of the Council.
16.2	The power pursuant to Section 95(15) of the Act to make an application to the Review Panel to:
16.2.1	dismiss or determine any proceedings that appear:
16.2.1.1	to be frivolous or vexatious; or
16.2.1.2	to have been instituted for the purpose of delay or obstruction, or for some other improper purpose;
16.2.2	bring any proceedings to an end that appear:
16.2.2.1	to be more appropriate suited to proceedings before the District Court rather than the Review Panel; or
16.2.2.2	to be unable to be satisfactorily resolved (or resolved within a reasonable period) by proceedings before the Review Panel; or
16.2.3	bring any proceedings to an end for any other reasonable cause.

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17. Appeals

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| 17.1 The power pursuant to Section 96(3) of the Act and subject to Section 96(4) of the Act, appeal to the District Court against the outcome of review proceedings under Division 3, Part 12 of the Act. |
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**SOUTH AUSTRALIAN PUBLIC HEALTH
(LEGIONELLA) REGULATIONS 2013**

18. Duty to Register High Risk Manufactured Water System

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| 18.1 The power pursuant to Regulation 5(3) of the South Australian Public Health (Legionella) Regulations 2013 (the Legionella Regulations) to, on application made in a manner and form approved by the Council or EHA and payment of the registration fee specified in Schedule 1 to the Council or EHA, register the high risk manufactured water system to which the application relates. |
| 18.2 The power pursuant to Regulation 5(6) of the Legionella Regulations, to, on application made in a manner and form approved by the Council or EHA and payment of the renewal fee specified in Schedule 1 to the Council or EHA, renew the registration of the high risk manufactured water system to which the application relates. |

19. Register of High Risk Manufactured Water Systems

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| 19.1 The power pursuant to Regulation 6(2) of the Legionella Regulations and subject to Regulation 6(3) of the Legionella Regulations to determine the manner and form of a register of high risk manufactured water systems registered by EHA and/or the Council. |
| 19.2 The power pursuant to Regulation 6(3) of the Legionella Regulations to include in relation to each high risk manufactured water system on the register: |
| 19.2.1 the type of water system; and |
| 19.2.2 the address of the premises on which the water system is installed; and |
| 19.2.3 the location of the water system on the premises; and |
| 19.2.4 the full name and residential and business addresses of the owner |

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	of the premises; and
19.2.5	the full name, residential and business addresses, and residential and business telephone numbers, of the person nominated by the owner of the premises as being responsible for the operation and maintenance of the water system,
	and such other information as EHA thinks fit.
19.3	The power pursuant to Regulation 15(2) of the Legionella Regulations to, at least once in every 12 months, give the owner of each of the premises on which a high risk manufactured water system registered with EHA and/or the Council is installed, written notice:
19.3.1	requiring the owner, within the period specified in the notice:
19.3.1.1	to cause an inspection of the water system to be carried out by a competent person (not being the owner or person responsible for the operation and maintenance of the system); and
19.3.1.2	to arrange for a NATA accredited laboratory to conduct microbiological testing, in accordance with AS/NZS 3896:
(a)	of at least 1 sample of water taken from a cooling water system; and
(b)	of at least 2 samples of water taken from a warm water system,
	to determine the presence and number of colony forming units of Legionella in the water; and
19.4	requiring the owner to submit to the Council or EHA written reports setting out the findings of the inspection and the results of the microbiological testing within 1 month of receiving the reports.
20.	Power of Council to Require Microbiological Testing in Other Circumstances
20.1	The power pursuant to Regulation 16(1) of the Legionella Regulations, if:
20.1.1	the Council or EHA is investigating the occurrence of Legionellosis in the near vicinity of premises on which a high risk manufactured water system is installed; or

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20.1.2	the Council or EHA has reason to believe that a high risk manufactured water system installed on premises situated in its area is not being maintained as required by these regulations,
	to give the owner of the premises written notice:
20.1.3	requiring the owner (either immediately or within a period specified in the notice) to arrange for a NATA accredited laboratory to conduct microbiological testing, in accordance with AS/NZS 3896, of water taken from the system, to determine the presence and number of colony forming units of Legionella in the water; and
20.1.4	requiring the owner to submit to EHA or the Council a written report setting out the results of the microbiological testing within 24 hours of receiving the report.
21. Fees	
21.1	The power pursuant to Regulation 21(3) of the Legionella Regulations, if a person is liable to pay a fee to EHA or the Council, to give the person written notice requiring the person to pay the fee within the period specified in the notice.
21.2	The power pursuant to Regulation 21(4) of the Legionella Regulations, to reduce or remit a fee payable to EHA or the Council under the Legionella Regulations if satisfied that it is appropriate to do so in a particular case.
21.3	The power pursuant to Regulation 21(5) of the Legionella Regulations, to recover a fee payable to EHA or the Council under the Legionella Regulations by action in a court of competent jurisdiction as a debt due to the Council.

**SOUTH AUSTRALIAN PUBLIC HEALTH
(WASTEWATER) REGULATIONS 2013**

22.1	The power pursuant to Regulation 6(1)(b) of the South Australian Public Health (Wastewater) Regulations 2013 (the Wastewater Regulations) to, agree to act as the relevant authority for a matter relating to an on-site wastewater system with a capacity that does not, or will not, on completion of wastewater works, exceed 40 EP and that is located or to be located in another council area if the system is to be operated by another council or wastewater works related to the system are to be undertaken by another
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council, or by a person acting in partnership, or in conjunction with that other council.
23. Public Notification of Proposed Community Wastewater Management System
23.1 <i>Deliberately left blank.</i>
24. Connection to Community Wastewater Management System
24.1 <i>Deliberately left blank.</i>
24.1.1 <i>Deliberately left blank.</i>
24.1.2 <i>Deliberately left blank.</i>
24.1.2.1 <i>Deliberately left blank.</i>
24.1.2.2 <i>Deliberately left blank.</i>
24.2 <i>Deliberately left blank.</i>
24.3 <i>Deliberately left blank.</i>
24.4 <i>Deliberately left blank.</i>
24.5 <i>Deliberately left blank.</i>
25. Exemptions
25.1 The power pursuant to Regulation 10(3) of the Wastewater Regulations to give an exemption by written notice and subject to conditions determined by EHA and stated in the notice.
25.2 The power pursuant to Regulation 10(4) of the Wastewater Regulations to vary or revoke an exemption by further written notice to the holder of the exemption.
26. Exemptions From Prescribed Codes
26.1 The power pursuant to Regulation 15(3) of the Wastewater Regulations to give an exemption by written notice and is subject to conditions determined by EHA and stated in the notice.
26.2 The power pursuant to Regulation 15(5) of the Wastewater Regulations to vary or revoke an exemption by further written notice to the holder of the

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	exemption.
27. Application	
27.1	The power pursuant to Regulation 23(2) of the Wastewater Regulations to, by written notice, ask the applicant to provide EHA or the Council with further technical specifications, information or documents relevant to the application or to modify the technical specifications submitted for approval.
28. Determination of Application	
28.1	The power pursuant to Regulation 24(1) of the Wastewater Regulations to refuse to grant a wastewater works approval:
28.1.1	if the applicant fails to satisfy EHA of either or both of the following:
28.1.1.1	that the technical specifications for the wastewater works comply with the prescribed codes;
28.1.1.2	that the wastewater works will not, if undertaken in accordance with the conditions of approval, adversely affect or threaten public or environmental health; or
28.1.2	for any other sufficient reason.
28.2	The power pursuant to Regulation 24(2) of the Wastewater Regulations, if an application for a wastewater works approval relates to the connection of a community wastewater management system to SA Water sewerage infrastructure or a significant increase in the amount of wastewater to be discharged from a community wastewater management system to SA Water sewerage infrastructure, to give SA Water a reasonable opportunity to comment on the application and take into account any comments so made.
29. Conditions of Approval	
29.1	The power pursuant to Regulation 25(2) of the Wastewater Regulations to impose:
29.1.1	any 1 or more of the following prescribed expiable conditions:
29.1.1.1	a condition that sets out mandatory notification stages during the progress of wastewater works when a person is required to notify EHA and/or the Council in a specified manner and stop the work pending an

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	inspection carried out at the person's expense;
29.1.1.2	a condition that requires the display of specified notices on the premises on which the wastewater system is located;
29.1.1.3	a condition that requires a person to monitor the performance of the wastewater system in a specified manner (including by inspections carried out at specified times at the person's expense) and to provide EHA and/or the Council with specified information in a specified manner and at specified times;
29.1.1.4	a condition that provides that specified material must not, or that only specified material may, be discharged into, or from, the wastewater system;
29.1.1.5	a condition that requires the wastewater system to be operated, maintained or serviced by a person of a specified class;
29.1.1.6	a condition that requires records of a specified kind to be created, maintained, and provided to EHA and/or Council; or
29.1.2	any other conditions including any 1 or more of the following:
29.1.2.1	a condition that requires decommissioning of the wastewater system:
	(a) after a specified trial period; or
	(b) in specified circumstances; or
	(c) on written notice to the operator of the system;
29.1.2.2	a condition that requires a wastewater system to be connected to a community wastewater management system;
29.1.2.3	a condition that prevents activities that would adversely affect the operation or maintenance of a drain or treatment or disposal system or the reuse of wastewater from the wastewater system;
29.1.2.4	a condition that requires a wastewater system to have

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	various access points for maintenance or inspection (raised to or terminating at surface level, or as required by EHA or the Council);
29.1.2.5	a condition that provides that a wastewater system must not be used unless or until it has been inspected or tested by an independent wastewater engineer and the Council EHA supplied with a certificate given by that expert certifying that the wastewater works have been undertaken in accordance with the approved technical specifications;
29.1.2.6	a condition that otherwise specifies requirements relating to: <ul style="list-style-type: none"> (a) the installation of the wastewater system; or (b) the decommissioning of the wastewater system; or (c) the connection of the wastewater system to a community wastewater management system or SA Water sewerage infrastructure or the disconnection of the wastewater system from a community wastewater management system or from SA Water sewerage infrastructure; or (d) the operation, servicing and maintenance of the wastewater system; or (e) the reuse or disposal of wastewater from the wastewater system.
29.2	The power pursuant to Regulation 25(3) of the Wastewater Regulations to impose a condition of approval that:
29.2.1	provides that a matter or thing is to be determined according to the discretion of the Council, EHA, or some other specified person or body; and
29.2.2	operates by reference to the manuals referred to in a product approval for the wastewater system; and
29.2.3	operates by reference to a specified code as in force at a specified time or as in force from time to time.
29.3	The power pursuant to Regulation 25(6) of the Wastewater Regulations to,

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	on application and payment of the fee fixed by Schedule 1, by written notice to the applicant, vary or revoke a condition of a wastewater works approval.
29.4	The power pursuant to Regulation 25(7) of the Wastewater Regulations to, on EHA's own initiative, by written notice to the operator of a wastewater system to which a wastewater works approval applies, vary or revoke a condition of the approval or impose a further condition, provided that the variation, revocation or imposition does not take effect until at least 6 months after the giving of the notice unless:
29.4.1	the operator consents; or
29.4.2	EHA states in the notice that, in his/her opinion, the variation, revocation or imposition is necessary in order to prevent or mitigate significant harm to public or environmental health or the risk of such harm.
30. Expiry of Approval	
30.1	The power pursuant to Regulation 26(2) of the Wastewater Regulations to, on application and payment of the fee fixed by Schedule 1, postpone the expiry of a wastewater works approval for a specified period.
31. Registers of Wastewater Works Approvals	
31.1	The power pursuant to Regulation 27(3) of the Wastewater Regulations, to extend the registers to include wastewater works approvals granted under the revoked regulations.
31.2	The power pursuant to Regulation 27(6) of the Wastewater Regulations to include in the registers other information considered appropriate by the EHA.
32. Requirement to Obtain Expert Report	
32.1	The power pursuant to Regulation 29(1) of the Wastewater Regulations, if EHA suspects on reasonable grounds that a wastewater system is adversely affecting or threatening public or environmental health, to give the operator of the system a written notice requiring the operator to obtain and provide to EHA and/or the Council a written report from an independent wastewater engineer within a specified period addressing specified matters.
32.2	The power pursuant to Regulation 29(3) of the Wastewater Regulations, if the requirements of a notice under Regulation 29 of the Wastewater Regulations are not complied with to obtain the required report and recover the costs and expenses reasonable incurred in doing so from the person

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	who failed to comply with the notice, as a debt.
32.3	The power pursuant to Regulation 29(3) of the Wastewater Regulations, to authorise a person to enter land at any reasonable time for the purposes of the report.
33. Fees	
33.1	The power pursuant to Regulation 33(1) of the Wastewater Regulations, to refund, reduce or remit payment of a fee payable under the Wastewater Regulations if EHA considers that appropriate in the circumstances.
33.2	The power pursuant to Regulation 33(2) of the Wastewater Regulations, to recover a fee payable to the Council by action in a court of competent jurisdiction as a debt due to the Council.

**SOUTH AUSTRALIAN PUBLIC HEALTH (GENERAL)
REGULATIONS 2013**

34. Non-compliance with Notices (Section 93(6) of Act)	
34.1	The power pursuant to Regulation 5B(2) of the South Australian Public Health (General) Regulations 2013 (the General Regulations), for the purposes of the creation of a charge on land under Section 93 of the Act, to deliver to the Registrar-General a notice, in a form determined by the Minister on the recommendation or with the approval of the Registrar-General:
34.1.1	setting out the amount recoverable under Section 93 of the Act; and
34.1.2	setting out the land in relation to which the relevant action was taken; and
34.1.3	requesting the Registrar-General to make a notation under Regulation 5B of the General Regulations in relation to the relevant land.
34.2	The power pursuant to Regulation 5B(8) of the General Regulations, if or when the amount to which the charge relates is paid, to by further notice in writing to the Registrar-General (being a notice in a form determined by the Minister on the recommendation or with the approval of the Registrar-General) cancel the charge.

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AND SOUTH AUSTRALIAN PUBLIC HEALTH (GENERAL) REGULATIONS 2013**

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**INSTRUMENT OF DELEGATION UNDER THE SOUTH
AUSTRALIAN PUBLIC HEALTH ACT 2011 AND SOUTH
AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013,
SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013
AND SOUTH AUSTRALIAN PUBLIC HEALTH (GENERAL) REGULATIONS 2013**

SCHEDULE OF CONDITIONS

**CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
3	The powers delegated at paragraphs 3.1-3.3 of this instrument can only be exercised after EHA has received consent from the Chief Executive Officer of the Council to exercise those powers on a case-by-case basis.
5.2	The powers delegated at paragraph 5.2 of this instrument can only be exercised after EHA has received consent from the Chief Executive Officer of the Council to exercise those powers on a case-by-case basis.
6	The powers delegated at paragraphs 6.1-6.4 of this instrument can only be exercised after EHA has received consent from the Chief Executive Officer of the Council to exercise those powers on a case-by-case basis.

APPENDIX 6

INSTRUMENT OF DELEGATION UNDER THE SUPPORTED RESIDENTIAL FACILITIES ACT 1992 AND THE SUPPORTED RESIDENTIAL FACILITIES REGULATIONS 2009

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED BY THE COUNCIL IN THIS INSTRUMENT TO THE EASTERN HEALTH AUTHORITY

1. Appointment of Authorised Officers
1.1 The power pursuant to Section 21(1) of the Supported Residential Facilities Act 1992 (“the Act”) to appoint a person to be an authorised officer under the Act;
1.2 The duty pursuant to Section 21(2) of the Act to issue to an authorised officer an identity card; and
1.3 The power pursuant to Section 21(4) of the Act by notice in writing served on an authorised officer, to revoke the appointment as an authorised officer.
2. Application for a Licence
2.1 The power pursuant to Section 24(3) of the Act by notice in writing not later than two months after a licence application has been made, to require the applicant to furnish specified information;
2.2 The power pursuant to Section 24(5) of the Act to require any information included in an application or required by a notice to be verified by statutory declaration;
2.3 The power pursuant to Section 24(9) of the Act subject to such conditions as Eastern Health Authority (EHA) thinks fit, to conditionally approve the issue of a licence in respect of proposed premises and the duty where satisfied that the premises have been established in substantial compliance with those conditions (and within such a period, if

**INSTRUMENT OF DELEGATION UNDER THE SUPPORTED RESIDENTIAL FACILITIES ACT 1992
AND SUPPORTED RESIDENTIAL FACILITIES REGULATIONS 2009**

	any as EHA may have determined), to grant a licence; and
2.4	Where an application for a licence is refused, the duty pursuant to Section 24(10) of the Act notify the applicant in writing of the refusal, the reasons for the refusal, and any appeal rights that the applicant has under the Act.
2.5	The duty, pursuant to Section 25(1) of the Act in considering an application for a licence in respect of the use of premises as a supported residential facility, to take into account those matters specified in this Section and such other matters as EHA thinks fit;
2.6	The duty pursuant to Section 25(2) of the Act in determining whether or not an applicant is suitable to be granted a licence, to have regard to those matters specified in this Section and to such other matters as EHA thinks fit;
2.7	The duty pursuant to Section 25(3) of the Act in determining whether or not premises are suitable to be used as a supported residential facility, to have regard to those matters specified in Section 25(3) of the Act and to such other matters as EHA thinks fit;
2.8	The duty pursuant to Section 25(4) of the Act not to grant a licence where it appears that the facility would not be administered in accordance with the principles prescribed in Part 2 of the Act.
3.	Renewal of Licence
3.1	The power pursuant to Section 27(3) of the Act at EHA's discretion, to determine a late application for renewal provided that the applicant pays the prescribed late application fee;
3.2	The duty pursuant to Section 27(4) of the Act by notice in writing served on the applicant, to give a decision on an application for the renewal of a licence before the date of expiry of the licence and where EHA decides to refuse an application for renewal of a licence, the duty to state in the notice of refusal the reasons for the refusal and the appeal rights that the applicant may have under the Act.
3.3	The power pursuant to Section 28 of the Act to refuse to renew a licence on any ground on which a licence may be cancelled.
4.	Licence Conditions
4.1	The power pursuant to Section 29(2) of the Act to impose licence conditions with respect to such matters as are contemplated by the Act or as EHA considers necessary or expedient for the purposes of the Act;
4.2	Pursuant to Section 29(3) of the Act where conditions are imposed by

**INSTRUMENT OF DELEGATION UNDER THE SUPPORTED RESIDENTIAL FACILITIES ACT 1992
AND SUPPORTED RESIDENTIAL FACILITIES REGULATIONS 2009**

EHA:	
4.2.1	if imposed at the time of grant or renewal of the licence – the duty to include them in the licence itself;
4.2.2	if imposed during the currency of the licence – the duty to impose them by notice in writing served on the holder of the licence;
4.2.3	the power to vary or revoke conditions at any time by notice in writing served on the holder of the licence;
4.3	Deliberately left blank.
5. Transfer of Licence	
5.1	The duty pursuant to Section 30(4) of the Act, upon due application under Section 30 of the Act and payment of the prescribed fee, to transfer the licence to the proposed transferee if satisfied that the proposed transferee would be a suitable person to be granted a licence under the Act.
6. Cancellation of Licence	
6.1	The power pursuant to Section 31(1) of the Act, to cancel a licence, on reasonable grounds, where satisfied that any of the matters specified in this Section are applicable;
6.2	The duty pursuant to Section 31(2) of the Act before acting under this Section, to notify the holder of the licence in writing of the proposed cancellation of the licence and allow the holder of the licence at least 28 days within which to make submissions in relation to the proposed action;
6.3	The power pursuant to Section 31(3) of the Act pending the cancellation (or possible cancellation) of a licence under this Section, to impose conditions to protect the interests of the residents of the facility; and
6.4	The power pursuant to Section 31(4) of the Act, to appoint an administrator of the facility and to take such other steps as may be reasonable to secure the proper care of the residents of the facility.
7. Appeals	
7.1	The power pursuant to Section 32(5) of the Act where EHA is satisfied that an applicant for renewal of a licence has instituted or intends to institute an appeal, to order that the licence remain in force until the determination of the appeal; and to impose such conditions as EHA thinks fit.

**INSTRUMENT OF DELEGATION UNDER THE SUPPORTED RESIDENTIAL FACILITIES ACT 1992
AND SUPPORTED RESIDENTIAL FACILITIES REGULATIONS 2009**

7.2	The power pursuant to Section 32(7) of the Act if a person contravenes, or fails to comply with, a condition imposed under Section 32(5) of the Act to revoke any order to which the condition relates.
7.3	The duty pursuant to Section 33(1) of the Act, and subject to Section 33(2), where application is made for a licence in respect of a facility that was in operation during the period of three (3) months immediately preceding the commencement of the Section, to upon payment of the prescribed fee, grant a licence in accordance with the Act for a term of one year.
8. Appointment of Manager	
8.1	The power pursuant to Section 34(1) of the Act where the proprietor of a facility is not directly involved in the management of the facility or the proprietor of a facility is a body corporate, to approve a natural person for the purpose of managing the facility under that person's personal supervision.
8.2	The power pursuant to Section 34(2) of the Act to extend the period of management without supervision.
9. Death of Licensee	
9.1	The power pursuant to Section 35 of the Act, where the holder of a licence dies, to approve the personal representative or some other person to be taken to be the holder of the licence (on the same conditions as applicable to the former holder of the licence) as from the date of death until the expiration of six months from that date or until such later date as may be fixed by EHA.
10. Revision of Resident Contract by Proprietor	
10.1	The power pursuant to Section 39(2)(b) of the Act to approve the method of providing a termination notice subject to this Section.
11. Disputes	
11.1	The power pursuant to Section 43(2) of the Act on an application made in relation to any of the matters specified in Section 43(1) of the Act, to explore any possible avenue of achieving conciliation between the parties and for these purposes, EHA, may as it thinks fit, take any action in accordance with Section 43(3) of the Act;
11.2	The power pursuant to Section 43(6) of the Act, to require an applicant, to furnish such further information in relation to the subject matter of the application as EHA thinks necessary, and to verify any information by statutory declaration;

**INSTRUMENT OF DELEGATION UNDER THE SUPPORTED RESIDENTIAL FACILITIES ACT 1992
AND SUPPORTED RESIDENTIAL FACILITIES REGULATIONS 2009**

11.3	The duty pursuant to Section 43(7) of the Act to give the applicant and the respondent reasonable notice of the time and place of any hearing of the application;
11.4	The power pursuant to Section 43(9) of the Act where satisfied that an interim order is justified by the urgent circumstances of the case, to make an interim order pending final resolution of the matter.
11.5	The power pursuant to Section 43(11) of the Act to vary or revoke an order made under Section 43 of the Act;
11.6	The power, pursuant to Section 43(12) of the Act -
11.6.1	to decline to proceed with an application under this Section until satisfied that reasonable steps have been taken to resolve the dispute pursuant to other procedures specified by EHA;
11.6.2	to decline to proceed with an application under this Section if EHA considers that it would be more appropriate for proceedings to be taken in a court or tribunal constituted by law; or
11.6.3	to decline to proceed (or further proceed) with an application under this Section if proceedings related to the subject matter of the application have been commenced in a court or tribunal constituted by law; and
11.7	The duty pursuant to Section 43(13) of the Act in determining any application under this Section, to act with as much expedition as is reasonably practicable in the circumstances.
12.	Attendance by Health Service Providers etc.
12.1	The power pursuant to Section 47(1) of the Act to approve a health service provider, social worker, or any person, for the purposes of Section 47.
13.	Complaints
13.1	The power pursuant to Section 49(1) of the Act to receive a complaint about the management of a supported residential facility or any residential-only premises or about the conduct of a resident of a supported residential facility or any residential-only premises.
13.2	The power pursuant to Section 49(2) of the Act to require a complaint to be reduced to writing.
13.3	The power pursuant to Section 49(3) of the Act to take such action as EHA thinks fit in view of the complaint.

**INSTRUMENT OF DELEGATION UNDER THE SUPPORTED RESIDENTIAL FACILITIES ACT 1992
AND SUPPORTED RESIDENTIAL FACILITIES REGULATIONS 2009**

- 13.4 The power pursuant to Section 49(4) of the Act to appoint an authorised officer to carry out an investigation into the circumstances surrounding the complaint and to attempt to resolve the matter as expeditiously as possible.

14. Regulations

- 14.1 Pursuant to Sections 57(5) and (6) of the Act where the proprietor of a facility who holds a licence under the Act applies to EHA for an exemption from a regulation that applies to the facility and EHA is satisfied -

- 14.1.1 that EHA can grant the exemption without seriously affecting the interests of a resident of the facility; and

- 14.1.2 that it is appropriate for EHA to grant the exemption in the circumstances of the particular case,

the power to, by notice in writing to the proprietor, exempt the proprietor from the regulation to which the application relates, on such conditions as EHA thinks fit.

- 14.2 The power pursuant to Section 57(7) of the Act, to, at any time, by further notice to the proprietor:

- 14.2.1 revoke an exemption under Section 57(5);

- 14.2.2 vary or revoke a condition under Section 57(6).

**DELEGATIONS UNDER THE SUPPORTED RESIDENTIAL FACILITIES
REGULATIONS 2009**

15. The duty pursuant to Regulation 4(1) of the Supported Residential Facilities Regulations 2009 (“the Regulations”) to decide an application for a licence under Section 24 of the Act within eight weeks of the application being made.
16. The duty pursuant to Regulation 4(2) of the Regulations, in considering an application for a licence in respect of the use of premises (or proposed premises) as a supported residential facility, to take into account the extent to which the premises (or proposed premises) accord with the standards prescribed by or under the Building Code of Australia.
17. The power pursuant to Regulation 5(2) of the Regulations to receive a copy of a prospectus, or a copy of an alteration to a prospectus, and a copy of the written statement required to accompany the prospectus or alteration to the prospectus

**INSTRUMENT OF DELEGATION UNDER THE SUPPORTED RESIDENTIAL FACILITIES ACT 1992
AND SUPPORTED RESIDENTIAL FACILITIES REGULATIONS 2009**

pursuant to Regulation 5(2)(b) of the Regulations.
18. The power pursuant to Regulation 14(1)(b) of the Regulations to receive information of any untoward medical event that occurs in relation to a resident of a facility.
19. The power pursuant to Regulation 17(2) of the Regulations to approve an acting manager for the purpose of appointment to or otherwise assuming the duties of the office of manager of a facility if, for a period exceeding seven days, a manager is absent from the duties of office, or the position of manager is temporarily vacant and a resident of the facility is in need of personal care services.
20. The power pursuant to Regulation 18(1) of the Regulations to approve a registered nurse as being a person who has appropriate qualifications, skills and experience to oversee the provision of nursing care at a facility.
21. The power pursuant to Regulation 18(2) of the Regulations, if there is a change in the type or level of services provided at a nursing home, to revoke, by notice in writing to the proprietor, an approval under Regulation 18(1) of the Regulations and require that a new appointment be made to ensure that the person who oversees the provision of nursing care at the facility has the qualifications, skills and experience appropriate to the facility.
22. The power pursuant to Regulation 21(1)(b) of the Regulations to approve a kitchen at a facility otherwise than in accordance with the requirements of Regulation 21(1)(b) of the Regulations.
23. The power pursuant to Regulation 21(3)(e) of the Regulations to require the fitting of handrails, ramps and, for a multi-storey building, lifts.
24. The power pursuant to Regulation 24(1) of the Regulations to direct the proprietor of a facility to install a communication system at the facility.
25. The duty pursuant to Regulation 26(2) of the Regulations to remit amounts payable to the indemnity fund under Section 56(4) of the Act to the fund manager within 28 days after the end of the financial year in which they are received by EHA.

**INSTRUMENT OF DELEGATION UNDER THE SUPPORTED RESIDENTIAL FACILITIES ACT 1992
AND SUPPORTED RESIDENTIAL FACILITIES REGULATIONS 2009**

SCHEDULE OF CONDITIONS

**CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
	NIL



23 August 2016

Michael Livori
 Eastern Health Authority
 PO Box 275
 STEPNEY SA 5069

Dear Mr Livori

Review of Delegations to the Eastern Halth Authority

I write in relation to this year's review of delegations to the Eastern Health Authority. The Council, at its meeting of 9 August 2016, resolved (C10774) as follows;

- "1. That the Report be received.
- 2. That having conducted the annual review of Council's Delegations to the Eastern Health Authority (EHA), in accordance with Section 44(6) of the *Local Government Act 1999*, the Council:

2.1. Revocations

- 2.1.1. Hereby revokes its previous delegations to the EHA of those powers and functions under the following:

- 2.1.1.1. *Environment Protection Act 1993*;
- 2.1.1.2. *Expiation of Offences Act 1996*;
- 2.1.1.3. *Housing Improvement Act 1940*;
- 2.1.1.4. *Local Government Act 1999*;
- 2.1.1.5. *South Australian Public Health Act 2011* along with the *South Australian Public Health (Legionella) Regulations 2013* and the *South Australian Public Health (Wastewater) Regulations 2013*;
- 2.1.1.6. *Supported Residential Facilities Act 1992*;
- 2.1.1.7. *Safe Drinking Water Act 2011*;

With effect from 31 August 2016.

2.2. Delegations made under *Local Government Act 1999*

- 2.2.1. In exercise of the power contained in Section 44 of the *Local Government Act 1999* the powers and functions under the following Acts and specified in the proposed Instruments of Delegation contained in Attachment B Appendices 1 – 5 of the Report dated 9 August 2016

and entitled Review of Delegations to the Eastern Health Authority (Operational) (each of which is individually identified as indicated below) are hereby delegated this 26th day of July 2016 to EHA, with effect from 31 August 2016, subject to the conditions and or limitations specified herein or in the Schedule of Conditions in each such proposed Instruments of Delegation.

- 2.2.1.1. *Environment Protection Act 1993* (Appendix 1);
 - 2.2.1.2. *Expiation of Offences Act 1996* (Appendix 2);
 - 2.2.1.3. *Housing Improvement Act 1940* (Appendix 3);
 - 2.2.1.4. *Safe Drinking Water Act 2011* (Appendix 4);
 - 2.2.1.5. *South Australian Public Health Act 2011* along with the *South Australian Public Health (Legionella) Regulations 2013*, *South Australian Public Health (Wastewater) Regulations 2013* and the *South Australian Public Health (General) Regulations 2013* (Appendix 5).
- 2.2.2. Such powers and functions may be further delegated by EHA in accordance with Section 44 of the *Local Government Act 1999* as EHA sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegation.
- 2.3. Delegations under *Supported Residential Facilities Act 1992*
- 2.3.1. In exercise of the power contained in Section 9 of the *Supported Residential Facilities Act 1992*, the powers and functions under the *Supported Residential Facilities Act 1992* and the *Supported Residential Facilities Regulations 2009* specified in the proposed Instrument of Delegation contained in Attachment B, Appendix 6 to the Report dated 9 August 2016 and entitled Review of Delegations to the Eastern Health Authority (Operational) are hereby delegated this 9th day of August 2016 to EHA, with effect from 31 August 2016, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Supported Residential Facilities Act 1992*.
 - 2.3.2. Such powers and functions may be further delegated by EHA as EHA sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Supported Residential Facilities Act 1992*.

2.4. Enforcement Agency under the *Food Act 2001*

- 2.4.1. The Council acknowledges that:
 - 2.4.1.1. EHA has been established as a regulatory subsidiary and is thereby prescribed, pursuant to Section 4 of the *Food Act 2001* and in accordance with Regulation 4(1) of the *Food Regulations 2002*, as an enforcement agency for the purposes of the *Food Act 2001*; and

- 2.4.1.2. EHA is completely responsible for the operation and enforcement of the *Food Act 2001* within the area of the City of Burnside;
- 2.4.1.3. the Chief Executive Officer of EHA, as the person designated by the Constituent Councils of EHA as the principal officer of EHA, is, pursuant to Regulation 5 of the *Food Regulations 2002*, prescribed as the head of an enforcement agency for the purposes of the *Food Act 2001*.

2.5. Prosecutions

- 2.5.1. In exercise of the powers contained in Section 44 of the *Local Government Act 1999* the Council delegates this 9 August 2016 the powers under Sections 6 and 36(1) of the *Local Government Act 1999* to EHA to commence a prosecution for a breach of the *Housing Improvement Act 1940*, the *South Australian Public Health Act 2011*, the *South Australian Public Health (General) Regulations 2013*, the *South Australian Public Health (Legionella) Regulations 2013*, and the *South Australian Public Health (Wastewater) Regulations 2013* where those instruments empower the Council to commence prosecution for a breach and to do anything necessary, expedient or incidental to performing or discharging the Council's power, with effect from 31 August 2016, and such power may be further delegated by EHA as EHA sees fit.
- 2.5.2. In exercise of the powers contained in Section 9(2) of the *Supported Residential Facilities Act 1992* and Section 44 of the *Local Government Act 1999* the Council delegates this 9 August 2016 the powers under Sections 6 and 36(1) of the *Local Government Act 1999* and Section 9(1) of the *Supported Residential Facilities Act 1992* to EHA to commence a prosecution for a breach of the *Supported Residential Facilities Act 1992* and/or the *Supported Residential Facilities Regulations 2009* where those instruments empower the Council to commence prosecution for a breach and to do anything necessary, expedient or incidental to performing or discharging the Council's power, with effect from 31 August 2016, and such power may be further delegated by EHA as EHA sees fit."

Please contact Magnus Heinrich, Manager City Development and Safety if you have any queries.

Yours sincerely



Paul Deb
Chief Executive Officer

Review of Delegations to the Eastern Health Authority (14.11)

Councillor Cornish declared a material conflict of interest as set out within section 73 of the *Local Government Act 1999*. Councillor Cornish explained that he is a board member, being a member of the governing body, of Eastern Health Authority.

Councillor Monceaux declared a material conflict of interest as set out within section 73 of the *Local Government Act 1999*. Councillor Monceaux explained that he/she is a board member, being a member of the governing body, of Eastern Health Authority.

Councillors Monceaux and Cornish left the meeting at 8.36 pm

Councillor Osterstock moved:

- C10774 1. That the Report be received.
2. That having conducted the annual review of Council's Delegations to the Eastern Health Authority (EHA), in accordance with Section 44(6) of the *Local Government Act 1999*, the Council:
- 2.1. Revocations
- 2.1.1. Hereby revokes its previous delegations to the EHA of those powers and functions under the following:
- 2.1.1.1. *Environment Protection Act 1993*;
- 2.1.1.2. *Expiation of Offences Act 1996*;
- 2.1.1.3. *Housing Improvement Act 1940*;
- 2.1.1.4. *Local Government Act 1999*;
- 2.1.1.5. *South Australian Public Health Act 2011* along with the *South Australian Public Health (Legionella) Regulations 2013* and the *South Australian Public Health (Wastewater) Regulations 2013*;
- 2.1.1.6. *Supported Residential Facilities Act 1992*;
- 2.1.1.7. *Safe Drinking Water Act 2011*;

With effect from 31 August 2016.

2.2. Delegations made under *Local Government Act 1999*

- 2.2.1. In exercise of the power contained in Section 44 of the *Local Government Act 1999* the powers and functions under the following Acts and specified in the proposed Instruments of Delegation contained in Attachment B Appendices 1 – 5 of the Report dated 9 August 2016 and entitled Review of Delegations to the Eastern Health Authority (Operational) (each of which is individually identified as indicated below) are hereby delegated this 26th day of July 2016 to EHA, with effect from 31 August 2016, subject to the conditions and or limitations specified herein or in the Schedule of Conditions in each such proposed Instruments of Delegation.

- 2.2.1.1. *Environment Protection Act 1993* (Appendix 1);
 - 2.2.1.2. *Expiation of Offences Act 1996* (Appendix 2);
 - 2.2.1.3. *Housing Improvement Act 1940* (Appendix 3);
 - 2.2.1.4. *Safe Drinking Water Act 2011* (Appendix 4);
 - 2.2.1.5. *South Australian Public Health Act 2011* along with the *South Australian Public Health (Legionella) Regulations 2013*, *South Australian Public Health (Wastewater) Regulations 2013* and the *South Australian Public Health (General) Regulations 2013* (Appendix 5).
- 2.2.2. Such powers and functions may be further delegated by EHA in accordance with Section 44 of the *Local Government Act 1999* as EHA sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegation.
- 2.3. Delegations under *Supported Residential Facilities Act 1992*
 - 2.3.1. In exercise of the power contained in Section 9 of the *Supported Residential Facilities Act 1992*, the powers and functions under the *Supported Residential Facilities Act 1992* and the *Supported Residential Facilities Regulations 2009* specified in the proposed Instrument of Delegation contained in Attachment B, Appendix 6 to the Report dated 9 August 2016 and entitled Review of Delegations to the Eastern Health Authority (Operational) are hereby delegated this 9th day of August 2016 to EHA, with effect from 31 August 2016, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Supported Residential Facilities Act 1992*.
 - 2.3.2. Such powers and functions may be further delegated by EHA as EHA sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Supported Residential Facilities Act 1992*.
- 2.4. Enforcement Agency under the *Food Act 2001*
 - 2.4.1. The Council acknowledges that:
 - 2.4.1.1. EHA has been established as a regulatory subsidiary and is thereby prescribed, pursuant to Section 4 of the *Food Act 2001* and in accordance with Regulation 4(1) of the *Food Regulations 2002*, as an enforcement agency for the purposes of the *Food Act 2001*; and
 - 2.4.1.2. EHA is completely responsible for the operation and enforcement of the *Food Act 2001* within the area of the City of Burnside;
 - 2.4.1.3. the Chief Executive Officer of EHA, as the person designated by the Constituent Councils of EHA as the principal officer of EHA, is, pursuant to Regulation 5 of

the *Food Regulations 2002*, prescribed as the head of an enforcement agency for the purposes of the *Food Act 2001*.

2.5. Prosecutions

- 2.5.1. In exercise of the powers contained in Section 44 of the *Local Government Act 1999* the Council delegates this 9 August 2016 the powers under Sections 6 and 36(1) of the *Local Government Act 1999* to EHA to commence a prosecution for a breach of the *Housing Improvement Act 1940*, the *South Australian Public Health Act 2011*, the *South Australian Public Health (General) Regulations 2013*, the *South Australian Public Health (Legionella) Regulations 2013*, and the *South Australian Public Health (Wastewater) Regulations 2013* where those instruments empower the Council to commence prosecution for a breach and to do anything necessary, expedient or incidental to performing or discharging the Council's power, with effect from 31 August 2016, and such power may be further delegated by EHA as EHA sees fit.
- 2.5.2. In exercise of the powers contained in Section 9(2) of the *Supported Residential Facilities Act 1992* and Section 44 of the *Local Government Act 1999* the Council delegates this 9 August 2016 the powers under Sections 6 and 36(1) of the *Local Government Act 1999* and Section 9(1) of the *Supported Residential Facilities Act 1992* to EHA to commence a prosecution for a breach of the *Supported Residential Facilities Act 1992* and/or the *Supported Residential Facilities Regulations 2009* where those instruments empower the Council to commence prosecution for a breach and to do anything necessary, expedient or incidental to performing or discharging the Council's power, with effect from 31 August 2016, and such power may be further delegated by EHA as EHA sees fit.

Seconded by Councillor Piggott

CARRIED UNANIMOUSLY

Councillors Cornish and Monceaux returned to the meeting at 8.36 pm.

Subsidiaries, Regional Subsidiaries and other Organisations/Entities

Eastern Waste Management Authority (15.1)

Nil

Eastern Health Authority (15.2)

Delegates Report June 2016

Item No:	14.11
To:	Council
Date:	9 August 2016
Author:	Magnus Heinrich – Manager, City Development and Safety
General Manager and Division	Louise Miller-Frost – General Manager, Community and Development Services
Contact:	8366 4136
Subject:	REVIEW OF DELEGATIONS TO THE EASTERN HEALTH AUTHORITY (OPERATIONAL)
Attachments:	<p>A. Correspondence from Chief Executive Officer of Eastern Health Authority</p> <p>B. Instrument of Delegations</p> <p>Appendix 1 – <i>Environment Protection Act 1993</i> and <i>The Environment Protection (Waste to Resources) Policy 2010</i></p> <p>Appendix 2 – <i>Expiation of Offences Act 1996</i></p> <p>Appendix 3 – <i>Housing Improvement Act 1940</i></p> <p>Appendix 4 – <i>Safe Drinking Water Act 2011</i></p> <p>Appendix 5 – <i>South Australian Public Health Act 2011</i> and <i>South Australian Public Health (Legionella) Regulations 2013</i>, <i>South Australian Public Health (Wastewater) Regulations 2013</i> and <i>South Australian Public Health (General) Regulations 2013</i></p> <p>Appendix 6 – <i>Supported Residential Facilities Act 1992</i> and <i>Supported Residential Facilities Regulations 2009</i></p>
Prev. Resolution:	C9835, 12/8/14 C10482, 10/12/15

Officer's Recommendation

1. That the Report be received.
2. That having conducted the annual review of Council's Delegations to the Eastern Health Authority (EHA), in accordance with Section 44(6) of the *Local Government Act 1999*, the Council:
 - 2.1. Revocations
 - 2.1.1. Hereby revokes its previous delegations to the EHA of those powers and functions under the following:
 - 2.1.1.1. *Environment Protection Act 1993*;
 - 2.1.1.2. *Expiation of Offences Act 1996*;
 - 2.1.1.3. *Housing Improvement Act 1940*;
 - 2.1.1.4. *Local Government Act 1999*;
 - 2.1.1.5. *South Australian Public Health Act 2011* along with the *South Australian Public Health (Legionella) Regulations 2013* and the *South Australian Public Health (Wastewater) Regulations 2013*;
 - 2.1.1.6. *Supported Residential Facilities Act 1992*;
 - 2.1.1.7. *Safe Drinking Water Act 2011*;

With effect from 31 August 2016.

2.2. Delegations made under *Local Government Act 1999*

- 2.2.1. In exercise of the power contained in Section 44 of the *Local Government Act 1999* the powers and functions under the following Acts and specified in the proposed Instruments of Delegation contained in Attachment B Appendices 1 – 5 of the Report dated 9 August 2016 and entitled Review of Delegations to the Eastern Health Authority (Operational) (each of which is individually identified as indicated below) are hereby delegated this 26th day of July 2016 to EHA, with effect from 31 August 2016, subject to the conditions and or limitations specified herein or in the Schedule of Conditions in each such proposed Instruments of Delegation.
 - 2.2.1.1. *Environment Protection Act 1993* (Appendix 1);
 - 2.2.1.2. *Expiation of Offences Act 1996* (Appendix 2);
 - 2.2.1.3. *Housing Improvement Act 1940* (Appendix 3);
 - 2.2.1.4. *Safe Drinking Water Act 2011* (Appendix 4);
 - 2.2.1.5. *South Australian Public Health Act 2011* along with the *South Australian Public Health (Legionella) Regulations 2013*, *South Australian Public Health (Wastewater) Regulations 2013* and *the South Australian Public Health (General) Regulations 2013* (Appendix 5).
- 2.2.2. Such powers and functions may be further delegated by EHA in accordance with Section 44 of the *Local Government Act 1999* as EHA sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegation.

2.3. Delegations under *Supported Residential Facilities Act 1992*

- 2.3.1. In exercise of the power contained in Section 9 of the *Supported Residential Facilities Act 1992*, the powers and functions under the *Supported Residential Facilities Act 1992* and the *Supported Residential Facilities Regulations 2009* specified in the proposed Instrument of Delegation contained in Attachment B, Appendix 6 to the Report dated 9 August 2016 and entitled Review of Delegations to the Eastern Health Authority (Operational) are hereby delegated this 9th day of August 2016 to EHA, with effect from 31 August 2016, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Supported Residential Facilities Act 1992*.
- 2.3.2. Such powers and functions may be further delegated by EHA as EHA sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of *Conditions* contained in the proposed Instrument of Delegation under the *Supported Residential Facilities Act 1992*.

2.4. Enforcement Agency under the *Food Act 2001*

- 2.4.1. The Council acknowledges that:

- 2.4.1.1. EHA has been established as a regulatory subsidiary and is thereby prescribed, pursuant to Section 4 of the *Food Act 2001*

and in accordance with Regulation 4(1) of the *Food Regulations 2002*, as an enforcement agency for the purposes of the *Food Act 2001*; and

- 2.4.1.2. EHA is completely responsible for the operation and enforcement of the *Food Act 2001* within the area of the City of Burnside;
- 2.4.1.3. the Chief Executive Officer of EHA, as the person designated by the Constituent Councils of EHA as the principal officer of EHA, is, pursuant to Regulation 5 of the *Food Regulations 2002*, prescribed as the head of an enforcement agency for the purposes of the *Food Act 2001*.

2.5. Prosecutions

- 2.5.1. In exercise of the powers contained in Section 44 of the *Local Government Act 1999* the Council delegates this 9 August 2016 the powers under Sections 6 and 36(1) of the *Local Government Act 1999* to EHA to commence a prosecution for a breach of the *Housing Improvement Act 1940*, the *South Australian Public Health Act 2011*, the *South Australian Public Health (General) Regulations 2013*, the *South Australian Public Health (Legionella) Regulations 2013*, and the *South Australian Public Health (Wastewater) Regulations 2013* where those instruments empower the Council to commence prosecution for a breach and to do anything necessary, expedient or incidental to performing or discharging the Council's power, with effect from 31 August 2016, and such power may be further delegated by EHA as EHA sees fit.
- 2.5.2. In exercise of the powers contained in Section 9(2) of the *Supported Residential Facilities Act 1992* and Section 44 of the *Local Government Act 1999* the Council delegates this 9 August 2016 the powers under Sections 6 and 36(1) of the *Local Government Act 1999* and Section 9(1) of the *Supported Residential Facilities Act 1992* to EHA to commence a prosecution for a breach of the *Supported Residential Facilities Act 1992* and/or the *Supported Residential Facilities Regulations 2009* where those instruments empower the Council to commence prosecution for a breach and to do anything necessary, expedient or incidental to performing or discharging the Council's power, with effect from 31 August 2016, and such power may be further delegated by EHA as EHA sees fit.

Purpose

1. To provide the Eastern Health Authority (EHA) with revised delegations from the Council.

Strategic Plan

2. The following Strategic Plan provision is relevant:

"Delivery of good governance in Council business"

Communications/Consultation

3. The following communication / consultation has been undertaken:

- 3.1. Correspondence has been received from Eastern Health Authority (Attachment A).
- 3.2. Councillors Anne Monceaux and Peter Cornish as Council's representatives on the EHA Board have been advised that the delegations are being reviewed.

Statutory

4. The following legislation is relevant in this instance:

Environment Protection Act 1993

Environment Protection (Waste to Resources) Policy 2010

Expiation of Offences Act 1996

Food Act 2001

Housing Improvement Act 1940

Local Government Act, 1999

Safe Drinking Water Act 2011

South Australian Public Health Act 2011

South Australian Public Health (Legionella) Regulations 2013

South Australian Public Health (Wastewater) Regulations 2013

South Australian Public Health (General) Regulations 2013

Supported Residential Facilities Act 1992

Supported Residential Facilities Regulations 2009

Policy

5. There are no policy implications or requirements associated with this recommendation.

Risk Assessment

6. There are no risks associated with the recommendation. The delegation of powers from Council to EHA is a risk control mechanism, clearly outlining the division of responsibilities between Council and its subsidiary.

CEO Performance Indicators

7. There are no impacts or threats to achieving the CEO's Performance Indicators with this recommendation.

Finance

8. There are no financial implications for the City of Burnside in respect of the recommendation.

Discussion

Background

9. The EHA is a regional subsidiary of the Cities of Burnside, Campbelltown, Norwood Payneham & St Peters, Prospect and the Town of Walkerville. The EHA performs public and environmental health functions on behalf of the constituent Councils and requires delegated authority from Councils to do so.
10. The delegations from Council to the EHA are reviewed at least once in a financial year, as required by Section 44(6) of the *Local Government Act 1999*. The last review was undertaken in December 2015. The review, based on advice from the EHA concluded that no amendments to the delegations were necessary at that time. The last amendments to the delegations were made by Council on 12 August 2014 (C9835).
11. The EHA has undertaken a review of all delegations currently in place and requests that the reviewed Instruments of Delegation, Attachment B, are adopted by Council.
12. The Instruments of Delegation have been dated so that they will come into effect on the 31 August 2016. This is the date that the EHA's Board of Management will further delegate powers and function to the Chief Executive Officer and staff of the EHA. It is therefore necessary for Council to adopt the instruments prior to this date.
13. Section 44 of the *Local Government Act 1999* provides a general power for Councils to delegate powers or functions to various committees, subsidiaries, employees of Council or authorised persons.
14. As a constituent Council of EHA, City of Burnside must delegate powers and functions to EHA in order for it to be able to fulfill its functions under its Charter.

Analysis

15. Only minor changes have been made to the instruments to bring them in line with templates provided by the Local Government Association of SA.
16. Changes have been made to the Instrument of Delegation under the *Supported Residential Facilities Act* to take into account the State Government's 2015 abolition of the Supported Residential Facilities Advisory Committee and to include powers to revoke or vary exemptions granted from the Regulations. The previous omission of the latter powers was an oversight.
17. Reference has now been expressly made in the Instrument of Delegation under the *Expiation of Offences Act*, to the power of the EHA to issue expiation notices for alleged offences under the *South Australian Public Health (General) Regulations*. This brings the approach under this Regulation into line with the EHA's powers under the South Australian Public Health Act and the other Regulations made under that Act.
18. A new power has been included at paragraph 34 of the *South Australian Public Health Act* instrument as a result of a legislative amendment that occurred in 2015.
19. The recommendation provides for the revocation of delegations under the six Acts listed at recommendation two. The recommendation provides for the revocation to take effect from the same date that the new delegations take effect (31 August 2016), to assist in ensuring that there is no gap between the period that the Constituent Councils make delegations to EHA and EHA sub delegates those powers and functions delegated to it.

Conclusion

20. In order to enable EHA to be able to fulfill its functions on behalf of City of Burnside under its Charter, it requires current and valid delegations of powers and functions from Council. Attachment B provides an updated Instrument of Delegations in order to bring the delegations in line with current legislation.



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eha@eha.sa.gov.au

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ABN 52 535 526 438

Attachment A

Our Ref: AF16/54

10 June 2016

Paul Deb
Chief Executive Officer
401 Greenhill Road
Burnside SA 5065

SCANNED

15 JUN 2016

B ECM
ID:

Dear Paul

Review of Delegations to the Eastern Health Authority (EHA)

As you would be aware councils are required to review their delegations at least once in every financial year pursuant to Section 44(6) of the Local Government Act 1999.

As previously agreed EHA has committed to lead the review process in relation to the delegations made to EHA by its Constituent Councils. This agreement was made to ensure continuity and consistency of the delegations used by EHA. Constituent Councils have considered their respective delegations to EHA as a separate process from all other delegations they may make since 2007.

The reasoning behind the approach was based on the following:

- The previous approach where councils considered all of their respective delegations in a single report would require EHA to review its delegations and sub delegations on five separate occasions each year to accord with the reviews undertaken by each of its five Constituent Councils.
- Should EHA not review its delegations five times per year to accord with the reviews undertaken by EHA's Constituent Councils, there would be periods of time during which the EHA's delegations and sub delegations were no longer in force if the Constituent Councils have revoked their previous delegations to EHA.
- There may be inconsistencies in the way in which each of the Constituent Councils delegate powers and functions under the relevant Acts to EHA.

EHA has now undertaken a review of all delegations currently in place and requests that the reviewed Instruments of Delegation which are enclosed are adopted by your council.

The draft resolutions have been drafted so that the delegations to EHA from the Constituent Councils will come into effect on 31 August 2016. This is the date that EHA's Board of Management will subdelegate the powers and functions delegated to EHA to the Chief

Executive Officer and staff of EHA. It is therefore necessary for your council to adopt the instruments prior to this date.

To assist your council with the process I have enclosed the following documents and included instructions in relation to their use

1. Draft Resolution for the Making of Delegations — Council to Eastern Health Authority:

The draft resolutions are in substantially the same format as the draft resolutions that appear on the LGA website in respect of the template Instruments of Delegations, albeit with necessary modification. Accordingly the draft resolutions will be familiar to Constituent Councils.

The draft resolution provides for the revocation of delegations under the six Acts listed at clause 1.1. You will note that in the instance where a Constituent Council revokes its previous delegations to EHA, the draft resolutions provide for that revocation to take effect from 31 August 2016.

This will assist in ensuring that there is no gap between the period that the Constituent Councils make delegations to EHA and EHA subdelegates those powers and functions delegated to it.

Clause 2 delegates powers via the Local Government Act in relation to the Environment Protection Act, Expiation of Offences Act, Housing Improvement Act, Safe Drinking Water Act and South Australian Public Health Act.

Clause 2 requires the insertion of:

- [X] – the report date
- [Y] – the report title
- [insert day] of [insert month] 201[] (the date of the council meeting to consider the delegations)

Clause 3 directly delegates powers under the Supported Residential Facilities Act.

Clause 3 require the insertion of:

- [X] – the report date
- [Y] – the report title
- [insert day] of [insert month] 201[] (the date of the council meeting to consider the delegations)

Clause 4 of the draft resolution provides for an acknowledgment that EHA is an enforcement agency for the purposes of the Food Act 2001 and further that EHA is completely responsible for the operation and enforcement of the Food Act 2001 within the area of the relevant council. This is due to the fact that EHA receives its powers directly from the legislation by virtue of it being a regional subsidiary.

The resolution also acknowledges that the Chief Executive Officer of EHA, being the principal officer of EHA, is the head of an enforcement agency pursuant to Regulation 5 of the Food Regulations 2002.

Clause 4 at 4.1.2 requires the insertion of the name of your council at [insert name of Council].

Clause 5 provides for delegations in relation to the commencement of prosecutions under the:

- Housing Improvement Act 1940;
- South Australian Public Health Act 2011, South Australian Public Health (General) Regulations 2013, South Australian Public Health (Waste Water) Regulations 2013 and the South Australian Public Health (Legionella) Regulations 2013.
- Supported Residential Facilities Act 1992 and the Supported Residential Facilities Regulations 2009.

Clause 5.1 and 5.2 require the insertion of :

At [insert date], the date of the council meeting to consider the delegations.

Delegations to commence prosecutions under the Food Act 2001 are unnecessary as EHA is the enforcement agency under that Act. In addition the majority of EHA's powers under the Environment Protection Act 1993 come directly from the Environment Protection Authority and not the Constituent Councils. Powers to commence prosecutions under the Safe Drinking Water Act 2011 are provided directly to authorised officers appointed under that legislation by EHA.

In all instances it is proposed as has been the case in the past that the powers and functions delegated to EHA by the Constituent Councils are able to be sub delegated by EHA as it sees fit.

The standard conditions of delegation requires the insertion of the name of your council at [Insert Name of Council].

2. Various Instruments of Delegations (Appendices 1 to 6)

The Instruments of Delegation listed below are reasonably self-explanatory.

- | | |
|------------|---|
| Appendix 1 | Environment Protection Act 1993 and Environment Protection (Waste to Resources) Policy 2010 |
| Appendix 2 | Expiation of Offences Act 1996 |
| Appendix 3 | Housing Improvement Act 1940 |
| Appendix 4 | Safe Drinking Water Act 2011 |
| Appendix 5 | South Australian Public Health Act 2011; South Australian Public Health (Wastewater) Regulations 2013 South Australian Public Health (Legionella) Regulations 2013 and South Australian Public Health (General) Regulations 2013. |
| Appendix 6 | Supported Residential Facilities Act 1992 and Supported Residential Facilities Regulations 2009 |

In the main, it has only been necessary to make minor changes to the instruments previously adopted by Constituent Councils to bring them in line with the templates on the Local Government Association website. However:

- Changes have been made to the instrument of delegation under the Supported Residential Facilities Act to take into account the State Government's 2015 abolition

of the SRF Advisory Committee and to include powers to revoke or vary exemptions granted from the Regulations. The previous omission of the latter powers was an oversight;

- Reference has now been expressly made in the instrument of delegation under the Expiation of Offences Act to the power of EHA to issue expiation notices for alleged offences against the South Australian Public Health (General) Regulations. This brings the approach under this regulation into line with EHA's power under the South Australian Public Health Act and the other regulations made under that Act;
- A new power has been included at paragraph 34 of the South Australian Public Health Act instrument as a result of a legislative amendment that occurred in 2015.

The Instruments are in the same format as the Instruments of Delegation on the LGA website and accordingly amendments to the Instruments can be easily attended to in the future by reference to the updated instruments that are prepared and placed on the LGA website.

The documents enclosed with this correspondence have also been provided to council in an electronic format via e-mail to Martin Cooper.

Once your council has considered the delegations review it would be appreciated if you would provide EHA with a copy of the report, attachments and minutes which are required for the subdelegation process. It would be appreciated if these documents are forwarded to EHA as soon as practically possible following your council meeting to enable a report to be presented to the Board of Management meeting on 31 August 2016.

I hope this information is useful in relation to the review of delegations process and trust that the proposed review process timeline is acceptable to you. If you would like to discuss any issue in relation to the delegation review please contact me on telephone 8132 3611.

Yours sincerely



Michael Livori
Chief Executive Officer

Encl

DRAFT RESOLUTION FOR THE MAKING OF DELEGATIONS

COUNCIL TO EASTERN HEALTH AUTHORITY

That having conducted its annual review of the Council's Delegations to Eastern Health Authority (EHA) in accordance with Section 44(6) of the Local Government Act 1999, the Council:

1. Revocations

- 1.1 Hereby revokes its previous delegations to EHA of those powers and functions under the following:
 - 1.1.1 Environment Protection Act 1993
 - 1.1.2 Expiation of Offences Act 1996
 - 1.1.3 Housing Improvement Act 1940
 - 1.1.4 Local Government Act 1999
 - 1.1.5 South Australian Public Health Act 2011 along with the South Australian Public Health (Legionella) Regulations 2013 and the South Australian Public Health (Wastewater) Regulations 2013
 - 1.1.6 Supported Residential Facilities Act 1992

With effect from 31 August 2016

2. Delegations made under Local Government Act 1999

- 2.1 In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the following Acts and specified in the proposed Instruments of Delegation contained in Appendices 1- 5 of the Report dated [X] and entitled [Y] (each of which is individually identified as indicated below) are hereby delegated this [insert day] of [insert month] 201[] to EHA with effect from 31 August 2016 subject to the conditions and or limitations specified herein or in the Schedule of Conditions in each such proposed Instrument of Delegation.
 - 2.1.1 Environment Protection Act 1993 (Appendix 1);
 - 2.1.2 Expiation of Offences Act 1996 (Appendix 2);
 - 2.1.3 Housing Improvement Act 1940 (Appendix 3);
 - 2.1.4 Safe Drinking Water Act 2011 (Appendix 4);
 - 2.1.5 South Australian Public Health Act 2011 along with the South Australian Public Health (Legionella) Regulations 2013, South Australian Public Health (Wastewater) Regulations 2013 and the South Australian Public Health (General) Regulations 2013 (Appendix 5)

DRAFT RESOLUTIONS FOR THE MAKING OF DELEGATIONS

2.2 Such powers and functions may be further delegated by EHA in accordance with Section 44(6) of the Local Government Act 1999 as EHA sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegation.

3. Delegations under Supported Residential Facilities Act 1992

- 3.1 In exercise of the power contained in Section 9 of the Supported Residential Facilities Act 1992, the powers and functions under the Supported Residential Facilities Act 1992 and the Supported Residential Facilities Regulations 2009 specified in the proposed Instrument of Delegation contained in Appendix 6 to the Report dated [X] and entitled [Y] are hereby delegated this [insert day] of [insert month] 20[] to EHA with effect from 31 August 2016 subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Supported Residential Facilities Act 1992.
- 3.2 Such powers and functions may be further delegated by EHA as EHA sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Supported Residential Facilities Act 1992.

4. Enforcement Agency under the Food Act 2001

4.1 The Council acknowledges that:

- 4.1.1 EHA has been established as a regulatory subsidiary and is thereby prescribed, pursuant to Section 4 of the Food Act 2001 and in accordance with Regulation 4(1) of the Food Regulations 2002, as an enforcement agency for the purposes of the Food Act 2001; and
- 4.1.2 EHA is completely responsible for the operation and enforcement of the Food Act 2001 within the area of [insert name of Council];
- 4.1.3 the Chief Executive Officer of EHA, as the person designated by the Constituent Councils of EHA as the principal officer of EHA, is, pursuant to Regulation 5 of the Food Regulations 2002, prescribed as the head of an enforcement agency for the purposes of the Food Act 2001.

5. Prosecutions

- 5.1 In exercise of the powers contained in Section 44 of the Local Government Act 1999 the Council delegates this [insert date] the powers under Sections 6 and 36(1) of the Local Government Act 1999 to EHA to commence a prosecution for a breach of the Housing Improvement Act 1940, the South Australian Public Health Act 2011, the South Australian Public Health (General) Regulations 2013, the South Australian Public Health (Legionella) Regulations 2013, and the South Australian Public Health (Wastewater) Regulations 2013 where those instruments empower the Council to commence prosecution for a breach and

DRAFT RESOLUTIONS FOR THE MAKING OF DELEGATIONS

to do anything necessary, expedient or incidental to performing or discharging the Council's power with effect from 31 August 2016, and such power may be further delegated by EHA as EHA sees fit.

- 5.2 In exercise of the powers contained in Section 9 of the Supported Residential Facilities Act 1992 the Council delegates this [insert date] the powers under Sections 6 and 36(1) of the Local Government Act 1999 to EHA to commence a prosecution for a breach of the Supported Residential Facilities Act 1992 and/or the Supported Residential Facilities Regulations 2009 where those instruments empower the Council to commence prosecution for a breach and to do anything necessary, expedient or incidental to performing or discharging the Council's power with effect from 31 August 2016, and such power may be further delegated by EHA as EHA sees fit.

DRAFT RESOLUTIONS FOR THE MAKING OF DELEGATIONS

STANDARD CONDITIONS OF DELEGATIONS MADE BY THE

[INSERT NAME OF COUNCIL]

The delegations made by the Council to EHA take effect from 31 August 2016 and the powers and functions so delegated may not be exercised by EHA until that date.

APPENDIX 1**Attachment B**

**INSTRUMENT OF DELEGATION UNDER THE
ENVIRONMENT PROTECTION ACT 1993 AND
THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES) POLICY 2010**

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

**POWERS AND FUNCTIONS DELEGATED BY THE COUNCIL IN THIS
INSTRUMENT TO THE EASTERN HEALTH AUTHORITY**

1. The power pursuant to Section 85(3) of the Environment Protection Act 1993 ("the Act"), to appoint authorised officers for the purposes of the Act.
2. The power pursuant to Section 85(4) of the Act to make an appointment under Section 85(3) of the Act subject to conditions to be specified in the instrument of appointment, and subject to conditions prescribed by regulation.
3. The power pursuant to Section 85(5) of the Act to revoke an appointment or to vary or revoke a condition specified in the instrument of such an appointment or impose a further such condition.
4. Site Contamination Assessment Orders
<i>Deliberately left blank</i>
5. Site Remediation Orders
<i>Deliberately left blank</i>
6. <i>Deliberately left blank</i>

**DELEGATIONS UNDER THE ENVIRONMENT PROTECTION
(WASTE TO RESOURCES) POLICY 2010**

6A. <i>Deliberately left blank</i>
7. The duty pursuant to Clause 17(2) of the Policy to ensure that the following

**INSTRUMENT OF DELEGATION UNDER THE ENVIRONMENT PROTECTION ACT 1993
AND THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES) POLICY 2010**

<p>provisions are complied with in relation to any medical waste received by the Eastern Health Authority:</p>	
(a)	if any other waste is mixed with medical waste, the other waste is to be dealt with under this clause in the same way as is required in relation to medical waste;
(b)	all medical waste must be stored in containers that are weatherproof, shatterproof, insect and vermin proof, and leak proof or, in the case of containers storing only medical sharps or any other sharp articles, leak resistant;
(c)	all containers for medical waste that are kept for further use must be thoroughly cleaned and disinfected as soon as reasonably practicable after emptying;
(d)	all containers used for the storage or transport of medical waste must be clearly labelled as containing medical waste;
(e)	all containers of medical waste must be stored in a secure location;
(f)	all necessary equipment required to clean and disinfect the area in case of accidental spillage of medical waste must be readily available and accessible;
(g)	discarded medical sharps or any other sharp articles must be contained for disposal in containers that comply with the requirements of the Standards, as amended from time to time, set out in Clause 17(2)(g)(i) of the Policy and the containers must not be subject to compaction by a compacting device nor placed for storage or transport in a portable or mobile compactor;
(h)	medical waste must be disposed of as soon as reasonably practicable;
(i)	all medical waste must be:
	(i) disposed of by incineration; or
	(ii) disposed of by such other method of treatment or disposal as is approved by the Authority and subject to such conditions as the Authority thinks fit;
	(iii) collected for disposal by -
	(A) a licensed waste transporter authorised to collect and transport medical waste; or
	(B) a council;

**INSTRUMENT OF DELEGATION UNDER THE ENVIRONMENT PROTECTION ACT 1993
AND THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES) POLICY 2010**

- | | |
|-----|---|
| (j) | before the collection of medical waste for disposal, the transporter must be advised of the nature of the waste, hazards associated with the waste and any precautions that need to be taken during the collection, transport or disposal of the medical waste; |
| (k) | the transporter must be given such assistance as is required to ensure that loading operations are carried out in such a way as to prevent spillage of any medical waste. |

**INSTRUMENT OF DELEGATION UNDER THE ENVIRONMENT PROTECTION ACT 1993
AND THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES) POLICY 2010**

SCHEDULE OF CONDITIONS

**CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
	NIL

APPENDIX 2

INSTRUMENT OF DELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED BY THE COUNCIL IN THIS INSTRUMENT TO THE EASTERN HEALTH AUTHORITY

1. Certain Offences may be Expiated
1.1. The power pursuant to Section 5(1) of the Expiation of Offences Act 1996 ("the Act") to issue an expiation notice under the Act to a person alleged to have committed an offence under:
1.1.1. Housing Improvement Act 1940;
1.1.2. South Australian Public Health Act 2011 along with the South Australian Public Health (General) Regulations 2013, the South Australian Public Health (Legionella) Regulations 2013 and the South Australian Public Health (Wastewater) Regulations 2013;
1.1.3. Supported Residential Facilities Act 1992,
and the alleged offence may accordingly be expiated in accordance with the Act.
2. Expiation Notices
2.1 The power pursuant to Section 6(3)(b)(ii) of the Act to authorise a person in writing to give an expiation notice for an alleged offence under:
2.1.1. Housing Improvement Act 1940;
2.1.2. South Australian Public Health Act 2011 along with the South Australian Public Health (General) Regulations 2013, the South Australian Public Health (Legionella) Regulations 2013 and the South Australian Public Health (Wastewater)

INSTRUMENT OF DELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996

	Regulations 2013;
	2.1.3 Supported Residential Facilities Act 1992.
3. Review of Notices on Ground that Offence is Trifling	
3.1	The power pursuant to Section 8A(2) and (3) of the Act to require an alleged offender who is seeking a review of the notice on the ground that the offence is trifling:
3.1.1	to provide further information; and
3.1.2	to provide a statutory declaration verifying the information contained in, or supporting, an application for review.
3.2	The duty pursuant to Section 8A(4) of the Act to determine an application for review before issuing a certificate for an enforcement determination in respect of the offence to which the application relates.
3.3	The duty pursuant and subject to Section 8A(5) and (6) of the Act upon being satisfied the offence is trifling to withdraw the expiation notice in respect of the offence by giving written notice to the alleged offender.
3A. Arrangements as to Manner and Time of Payment	
3A.1	The power pursuant to Section 9(2) of the Act to agree with the Fines Enforcement and Recovery Officer the manner in which the Fines Enforcement Recovery Officer must give Eastern Health Authority (EHA) notice of any arrangement entered into under Section 9 of the Act.
3A.2	The power pursuant to Section 9(12) of the Act, if an arrangement terminates under Section (9), (10) or (11) of the Act, to agree with the Fines Enforcement and Recovery Officer the manner in which the Fines Enforcement and Recovery Officer must give the EHA notice of the termination and the amount then outstanding (taking into account, where the arrangement required the performance of community service, the number of hours of community service so performed).
4. Expiation Reminder Notices	
4.1	The duty pursuant to Section 11 of the Act where an alleged offender has neither paid the expiation fee nor entered into an arrangement under Section 9 of the Act and the Council or EHA has not received a statutory declaration or other document sent to the Council or EHA by the alleged offender in accordance with a notice required by law to accompany the expiation notice, by the end of the expiation period, and before the Delegate takes any action under this Act to enforce the expiation notice, to send an expiation reminder notice in the prescribed

INSTRUMENT OF DELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996

form to the alleged offender before any action is taken under the Act to enforce the expiation notice.
5. Expiation Enforcement Warning Notices
5.1 The duty pursuant to Section 11A of the Act where the Council or EHA has received a statutory declaration or other document sent to the Council or EHA by the alleged offender in accordance with a notice required by law to accompany the expiation notice or expiation reminder notice, and before the Delegate takes action under this Act to enforce the expiation notice, to send an expiation enforcement warning notice, in the prescribed form, to the alleged offender by post.
6. Late Payment
6.1 The power pursuant to Section 12 of the Act to accept late payment of the amount due under an expiation notice at any time before an enforcement determination is made under Section 13 of the Act.
7. Enforcement Determinations
7.1 The power pursuant to Section 13(1) of the Act to enforce an expiation notice against an alleged offender by sending to the Fines Enforcement and Recovery Officer:
7.1.1 a certificate that contains the particulars determined by the Fines Enforcement and Recovery Officer relating to:
7.1.1.1 the alleged offender; and
7.1.1.2 the offence or offences that remain unexpiated; and
7.1.1.3 the amount due under the notice; and
7.1.1.4 compliance by EHA as the authority with the requirements of the Act and any other Act;
7.1.2 the prescribed fee.
7.2 The power pursuant to Section 13(4) of the Act to apply to the Fines Enforcement and Recovery Officer under and in accordance with Section 13 of the Act within 30 days of notice of an enforcement determination being given, sent or published in accordance with Section 13 of the Act for the enforcement determination to be revoked.
8. Withdrawal of Expiation Notices

INSTRUMENT OF DELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996

8.1	The power pursuant to Section 16(1) of the Act, to withdraw an expiation notice with respect to all or any of the alleged offences to which an expiation notice relates where:
8.1.1	in the opinion of the Delegate the alleged offender did not commit the offence or offences, or that the notice should not have been given with respect to the offence or offences;
8.1.2	the Council or EHA as issuing authority receives a statutory declaration or other document sent to the Council or EHA by the alleged offender in accordance with a notice required by law to accompany the expiation notice or expiation reminder notice; or
8.1.3	the notice is defective; or
8.1.4	the Delegate decides that the alleged offender should be prosecuted for the offence or offences.
8.2	The power pursuant to Section 16(5) of the Act, where an expiation notice is withdrawn under subsection (1), to commence prosecution for an offence to which the notice related.
8.3	The duty pursuant to Section 16(6) of the Act, subject to Section 16(7) of the Act, to withdraw an expiation notice if it becomes apparent that the alleged offender did not receive the notice until after the expiation period, or has never received it, as a result of error on the part of the Council or EHA as issuing authority or failure of the postal system.
8.4	The duty pursuant to Section 16(11) of the Act, where an expiation notice is withdrawn under Section 16 of the Act and the notice of withdrawal does not specify that the notice is withdrawn for the purposes of prosecuting the alleged offender, and if an enforcement determination has been made under Section 13 of the Act, to inform the Fines and Enforcement Recovery Officer of the withdrawal of the notice.
9.	Provision of Information
9.1	The power pursuant to Section 18 of the Act to enter into an agreement with the Fines Enforcement and Recovery Officer in relation to:
9.1.1	the manner in which the Fines Enforcement and Recovery Officer is to provide information to EHA in relation to action taken by the Fines Enforcement and Recovery Officer under the Act in respect of an expiation notice issued by EHA as a delegate of the Council; and
9.1.2	the manner in which EHA is to provide information to the Fines

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INSTRUMENT OF DELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996

Enforcement and Recovery Officer in relation to the issuing of an expiation notice by EHA as a delegate of the Council or any other action taken by EHA as a delegate of the Council in respect of an expiation notice so issued.

INSTRUMENT OF DELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996**SCHEDULE OF CONDITIONS****CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
	NIL

APPENDIX 3

INSTRUMENT OF DELEGATION UNDER THE HOUSING IMPROVEMENT ACT 1940

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED BY THE COUNCIL IN THIS INSTRUMENT TO THE EASTERN HEALTH AUTHORITY

1. Power to Declare Houses Unfit for Habitation	
1.1	The power pursuant to Section 23(1) of the Housing Improvement Act 1940 ("the Act"):
1.1.1	to make due inquiries and obtain such reports as the Delegate deems necessary to be satisfied that any house is undesirable for human habitation or is unfit for human habitation;
1.1.2	to declare that the house -
1.1.2.1	is undesirable for human habitation; or
1.1.2.2	is unfit for human habitation.
1.2	The duty pursuant to Section 23(2) of the Act where any house has been declared undesirable or unfit for human habitation -
1.2.1	to serve on the owner of the house a declaration together with a written statement setting out particulars of the deficiencies and directing the owner, within a specified time (being not less than one month after the service of the declaration) -
1.2.1.1	to carry out such work in respect of the house (including, if so directed, partial demolition) as is directed in the notice; or
1.2.1.2	if the Delegate is of the opinion that it is impracticable to make the house desirable or fit for human habitation, to

INSTRUMENT OF DELEGATION UNDER THE HOUSING IMPROVEMENT ACT 1940

demolish the house; and	
1.2.2 to serve a copy of the declaration, statement and direction on any occupier of the house and on every registered mortgagee of the land on which the house is situated; and	
1.3	The power pursuant to Section 23(2) of the Act where any house has been declared undesirable or unfit for human habitation -
1.3.1	if the direction is to demolish, to serve on the occupier (if any) a written notice requiring the occupier to vacate the house within a specified period being not less than one month after service; and
1.3.2	where the direction requires any work to be carried out in respect of the house, to serve on any occupier (if any) a written notice to vacate the house within a specified period being not less than one month after service, unless the house is, to the satisfaction of the Delegate, made to comply with the directions given by the Delegate before the expiration of the specified period.
1.4	The power pursuant to Section 23(3) of the Act to certify in writing that the house that has been declared undesirable for human habitation or unfit for human habitation complies with the direction given by the Delegate and in the time specified in the direction under Section 23(2)(c) or (d).
1.5	The power pursuant to Section 23(5) of the Act where an owner fails to comply with any direction under Section 23 within the time specified in the direction –
1.5.1	to do anything that is necessary to make the house comply with the direction or demolish the house;
1.5.2	to recover any expenses incurred from the owner of the house;
1.5.3	to sell or dispose of any material taken from the house;
1.6	The duty pursuant to Section 23(5)(d) of the Act to apply the proceeds of any sale for or towards the expenses incurred by the Council and pay any surplus (if any) in discharge of the mortgage or encumbrance of any registered mortgagee of the land in accordance with their respective priorities and to pay any remaining balance to the owner.
2. Power of Housing Authority	
2.1	The power pursuant to Section 25(1) of the Act to consult with the Housing Authority and the duty pursuant to Section 25(1) of the Act, if required by the Housing Authority by notice in writing, within the time specified in the notice, to make a declaration pursuant to Section 23 of the Act with respect to the house in the form required by the Housing Authority and to give any direction or notice or otherwise exercise any power under

INSTRUMENT OF DELEGATION UNDER THE HOUSING IMPROVEMENT ACT 1940

Section 23 in the manner required by the Housing Authority.	
3. Power to Declare Clearance Area	
3.1	The power pursuant to Section 33(3)(a)(i) of the Act to consult with the Housing Authority where the Housing Authority is intending to submit a recommendation to the Governor under Section 33 of the Act; and
3.2	The power pursuant to Section 33(b) to make any objections to the Housing Authority, in relation to such recommendation.
4. Powers of Entry and Inspection	
4.1	The power pursuant to Section 67 of the Act to authorise persons to enter into and upon any premises at any reasonable hour for the purposes of -
4.1.1	examining the condition, standard of sanitation and hygiene, and state of repair of the premises;
4.1.2	ascertaining whether any of the provisions of the Act are being or have been contravened;
4.1.3	executing any work authorised to be executed or made by or under the Act;
4.1.4	generally, enforcing the provisions of the Act.
5. Dispossession of occupiers failing to vacate premises when required to do so	
5.1	The power pursuant to Section 71 of the Act, where any person, after he has been required under the Act by the Council to vacate a house or building, and the person refuses or neglects to vacate the same, to apply and to authorise a person to apply upon a complaint to be laid by him, in the form set out in Schedule 1 to the Act or to the like effect, to any justice, for the justice to issue a summons in the form set out in Schedule 2 to the Act or to the like effect calling upon the occupier of such house or building to appear at a time and place to be therein specified before a court of Summary Jurisdiction consisting of a special magistrate, sitting without any other justice or justices, which court may hear and determine the matter of the complaint in a summary way in the absence of the occupier or otherwise.

INSTRUMENT OF DELEGATION UNDER THE HOUSING IMPROVEMENT ACT 1940**SCHEDULE OF CONDITIONS****CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
	NIL

APPENDIX 4

INSTRUMENT OF DELEGATION UNDER THE SAFE DRINKING WATER ACT 2011

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED BY THE COUNCIL IN THIS INSTRUMENT TO THE EASTERN HEALTH AUTHORITY

5. Drinking water providers to be registered
(2) The power pursuant to Section 5(2)(a) and (b) of the Safe Drinking Water Act 2011 (the Act) and in accordance with Section 5(3) of the Act to make an application for registration of the Council under the Act to the Minister and in a manner and form determined by the Minister.
8. Conditions of registration
(3) The power pursuant to Section 8(3) of the Act where the Council holds a registration, to make application to the Minister in a manner and form determined by the Minister, requesting the variation of a condition to which the registration is subject.
9. Suspension of registration
(5) The power pursuant to Section 9(5) of the Act after the Council or the Eastern Health Authority (EHA) has received notice from the Minister, lodge with the Minister a written objection (setting out the grounds of objection).
(6) The power pursuant to Section 9(5) of the Act to make submissions to the Minister in relation to the matter.
(10) The power pursuant to Section 9(10) of the Act where the Council's registration has been suspended to make application to the Minister for the cancellation of the suspension.
10. Appeals
(1) The power pursuant to Section 10(1) of the Act and in accordance with

**INSTRUMENT OF DELEGATION UNDER THE
SAFE DRINKING WATER ACT 2011**

<p>Section 10(2) of the Act, to appeal to the District Court against:</p> <ul style="list-style-type: none"> (a) a condition imposed by the Minister in relation to a registration under Part 2 of the Act; (b) a variation of a condition of registration made by the Minister on the Minister's own initiative; or (c) a decision of the Minister to refuse to grant an application to vary a condition of registration; or (d) a decision of the Minister to suspend a registration under Part 2 of the Act. 	
<p>12. Drinking water providers to prepare, implement and review risk management plans</p>	
<p>(1) The power pursuant to Section 12(1) of the Act and in accordance with Section 13 of the Act, to:</p> <ul style="list-style-type: none"> (a) prepare a risk management plan in relation to the supply of drinking water to the public; and (b) keep the plan under continuous review with a view to updating and improving it; and (c) revise any aspect of the plan that is found, on review, to need revision. 	
<p>(3) The power pursuant to Section 12(3) of the Act, if a standard risk management plan is in place under Section 12(2) of the Act and the Council falls within the specified class to which the standard risk management plan applies, to, subject to any requirement published by the Chief Executive in connection with the risk management plan and in a manner and form determined by the Chief Executive, adopt the standard risk management plan rather than preparing a separate plan under Section 12(1)(a) of the Act.</p>	
<p>14. Related matters</p>	
<p>(2) The power pursuant to Section 14(2) of the Act, to furnish to the Minister in a manner and form determined by the Minister a copy of the Council's monitoring program and incident identification and notification protocol.</p>	
<p>(3) (b) The power pursuant to Section 14(3)(b) of the Act to consult with the Minister in relation to alterations to the program or protocol (or both) submitted for the purposes of Section 14 of the Act.</p>	
<p>(4) The power pursuant to Section 14(4) of the Act and in accordance with</p>	

**INSTRUMENT OF DELEGATION UNDER THE
SAFE DRINKING WATER ACT 2011**

<p>Section 14(5) of the Act, where the Council is required to make an alteration under Section 14(3), to appeal to the District Court against the requirement.</p>
<p>34. Appointment of authorised officers</p>
<p>(1) <i>Deliberately left blank</i></p>
<p>(2) <i>Deliberately left blank</i></p>
<p>35. Certificates of authority</p>
<p>(1) <i>Deliberately left blank</i></p>
<p>(2) <i>Deliberately left blank</i></p>
<p>37. Seizure orders</p>
<p>(3) (a) <i>Deliberately left blank</i></p>
<p>(d) <i>Deliberately left blank</i></p>
<p>38. Notices</p>
<p>(1) <i>Deliberately left blank</i></p>
<p>(6) The power pursuant to Section 38(6) of the Act to, by written notice served on a person to whom a notice under Section 38 has been issued by the Council, vary or revoke the notice.</p>
<p>39. Action or non-compliance with a notice</p>
<p>(1) The power pursuant to Section 39(1) of the Act, if the requirements of a notice under Division 3 of the Act by the Council are not complied with, to take any action required by the notice.</p>
<p>(2) The power pursuant to Section 39(2) of the Act to authorise another person to take action under Section 39(1) of the Act on the Council's behalf.</p>
<p>(4) The power pursuant to Section 39(4) of the Act to recover the reasonable costs and expenses incurred by the Council in taking action under Section 39 of the Act from the person who failed to comply with the requirements of the notice as a debt in a court of competent jurisdiction.</p>
<p>(5) The power pursuant to Section 39(5) of the Act, if an amount is recoverable from a person by the Council under Section 39 of the Act, 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</p>

**INSTRUMENT OF DELEGATION UNDER THE
SAFE DRINKING WATER ACT 2011**

person.
40. Action in emergency situations
(5) The power pursuant to Section 40(5) of the Act to recover the reasonable costs and expenses incurred by an authorised officer of the Council in taking action under Section 40 of the Act as a debt in a court of competent jurisdiction.
41. Specific power to require information
(1) <i>Deliberately left blank</i>
42. Appeals
(3) The power pursuant to Section 42(3) of the Act to apply for the Council to be a party to proceedings under Section 42 of the Act.
52. Annual reports by enforcement agencies
(1) The power pursuant to Section 52(1) of the Act to on or before 30 September in each year, furnish to the Minister a report on the activities of the Council under the Act during the financial year ending on the preceding 30 June.

**INSTRUMENT OF DELEGATION UNDER THE
SAFE DRINKING WATER ACT 2011****SCHEDULE OF CONDITIONS****CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Section(s) in Act to which conditions/ limitations apply	Conditions / Limitations

APPENDIX 5

**INSTRUMENT OF DELEGATION UNDER THE SOUTH AUSTRALIAN PUBLIC
HEALTH ACT 2011 AND SOUTH AUSTRALIAN PUBLIC HEALTH (LEGIONELLA)
REGULATIONS 2013, SOUTH AUSTRALIAN PUBLIC HEALTH
(WASTEWATER) REGULATIONS 2013 AND SOUTH AUSTRALIAN
PUBLIC HEALTH (GENERAL) REGULATIONS 2013**

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

**POWERS AND FUNCTIONS DELEGATED BY THE COUNCIL IN THIS
INSTRUMENT TO THE EASTERN HEALTH AUTHORITY**

1. Power to Require Reports
1.1 The power pursuant to Section 18(2) of the South Australian Public Health Act 2011 (the Act) to, if required by the Minister, provide a report on any matter relevant to the administration or operation of the Act.
1.2 The power pursuant to Section 18(3) of the Act to, if required by the Minister, in a case involving the Council provide a combined report with 1 or more other councils.
1.3 The power pursuant to Section 18(5) of the Act to provide the report in accordance with the requirements of the Minister.
2. Risk of Avoidable Mortality or Morbidity
2.1 The power pursuant to Section 22(2) of the Act, if the Eastern Health Authority (EHA) and/or the Council receives a request under Section 22(1) of the Act, to consider the request and then respond in accordance with Section 22(3) of the Act to the Chief Public Health Officer within a reasonable time.
2.2 The power pursuant to Section 22(3) of the Act to include in a response under Section 22(2) of the Act details about:
2.2.1 any steps already being taken by EHA and/or the Council that may be relevant in the circumstances; and

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**INSTRUMENT OF DELEGATION UNDER THE SOUTH
AUSTRALIAN PUBLIC HEALTH ACT 2011 AND SOUTH
AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013,
SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013
AND SOUTH AUSTRALIAN PUBLIC HEALTH (GENERAL) REGULATIONS 2013**

<p>2.2.2 any plans that EHA and/or the Council may have that may be relevant in the circumstances; and</p> <p>2.3 any steps that EHA and/or the Council is willing to take in the circumstances; and</p> <p>2.4 any other matter relating to EHA and/or the Council that appears to be relevant.</p>
3. Cooperation Between Councils
<p>3.1 The power pursuant to Section 39(1) of the Act to, in performing the Council's functions or exercising the Council's powers under the Act, act in conjunction or partnership with, or cooperate or coordinate the Council's activities with, 1 or more other councils</p> <p>3.2 The power pursuant to Section 39(2) of the Act to, if requested by the Chief Public Health Officer, cooperate with 1 or more other councils.</p> <p>3.3 The power pursuant to Section 39(3) of the Act to, if the Council receives a request under Section 39(2) of the Act, within 28 days after receiving the request or such longer period as the Chief Public Health Officer may specify, furnish the Chief Public Health Officer with a written report on the action that the Council intends to take in response to the request.</p>
4. Power of Chief Public Health Officer to Act
<p>4.1 The power pursuant to Section 40(2) of the Act to consult with the Chief Public Health Officer.</p>
5. Council Failing to Perform a Function Under Act
<p>5.1 The power pursuant to Section 41(1) of the Act to consult with the Minister in relation to the Minister's opinion that the Council has failed, in whole or in part, to perform a function conferred on the Council under the Act.</p> <p>5.2 The power pursuant to Section 41(6) of the Act to:</p> <p>5.2.1 make written submissions to the Minister in relation to the matter within a period specified by the Minister; and</p> <p>5.2.2 request in the written submissions to the Minister that the Minister discuss the matter with a delegation representing the Council; and</p> <p>5.2.3 appoint a delegation representing the Council to discuss the matter</p>

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**INSTRUMENT OF DELEGATION UNDER THE SOUTH
AUSTRALIAN PUBLIC HEALTH ACT 2011 AND SOUTH
AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013,
SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013
AND SOUTH AUSTRALIAN PUBLIC HEALTH (GENERAL) REGULATIONS 2013**

with the Minister.	
6. Transfer of Function of Council at Request of Council	
6.1	The power pursuant to Section 42(1) of the Act to request, in accordance with Section 42(2), of the Act that a function of the Council under the Act be performed by the Chief Public Health Officer.
6.2	The power pursuant to Section 42(10) of the Act to enter into an agreement with the Minister for the Minister to recover costs and expenses associated with the Chief Public Health Officer acting under Section 42 of the Act.
6.3	The power pursuant to Section 42(11) of the Act to request that the Minister vary or revoke a notice under Section 42 of the Act.
6.4	The power pursuant to Section 42(11) of the Act to consult with the Minister in relation to the Minister varying or revoking a notice under Section 42 of the Act.
7. Local Authorised Officers	
7.1	The power pursuant to Section 44(1) of 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.
7.2	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.
7.3	The power pursuant to Section 44(4) of the Act to direct a local authorised officer.
7.4	The power pursuant to Section 44(6) of the Act to vary or revoke an appointment at any time.
7.5	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:
7.5.1	makes an appointment under Section 44 of the Act; or
7.5.2	revokes an appointment under Section 44 of the Act.
7.6	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

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**INSTRUMENT OF DELEGATION UNDER THE SOUTH
AUSTRALIAN PUBLIC HEALTH ACT 2011 AND SOUTH
AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013,
SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013
AND SOUTH AUSTRALIAN PUBLIC HEALTH (GENERAL) REGULATIONS 2013**

<p>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.</p>
<p>8. Identity Cards</p>
<p>8.1 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:</p>
<p style="margin-left: 20px;">8.1.1 containing the person's name and a photograph of the person; and</p>
<p style="margin-left: 20px;">8.1.2 stating that the person is an authorised officer for the purposes of the Act; and</p>
<p style="margin-left: 20px;">8.1.3 setting out the name or office of the issuing authority.</p>
<p>9. Specific Power to Require Information</p>
<p>9.1 The power pursuant to Section 49(1) of the Act to require a person to furnish such information relating to public health as may be reasonably required for the purposes of the Act.</p>
<p>10. Regional Public Health Plans</p>
<p>10.1 The power pursuant to Section 51(1) of the Act to in accordance with Sections 51(2), (5), (6), (8), (9), (11), (12), (13) and (15) of the Act prepare and maintain a plan or, if the Minister so determines or approves, with a group of councils, prepare and maintain a plan, for the purposes of the operations of the Council or Councils under the Act (a regional public health plan).</p>
<p>10.2 The power pursuant to Section 51(10) of the Act, to, subject to Section 51(11), amend a regional public health plan at any time.</p>
<p>10.3 The power pursuant to Section 51(11) of the Act to, in relation to any proposal to create or amend a regional public health plan:</p>
<p style="margin-left: 20px;">10.3.1 prepare a draft of the proposal; and</p>
<p style="margin-left: 20px;">10.3.2 when the draft plan is completed, subject to Section 51(12) of the Act:</p>
<p style="margin-left: 40px;">10.3.2.1 give a copy of it to:</p>
<p style="margin-left: 60px;">(a) the Minister; and</p>

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**INSTRUMENT OF DELEGATION UNDER THE SOUTH
AUSTRALIAN PUBLIC HEALTH ACT 2011 AND SOUTH
AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013,
SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013
AND SOUTH AUSTRALIAN PUBLIC HEALTH (GENERAL) REGULATIONS 2013**

	<ul style="list-style-type: none"> (b) any incorporated hospital established under the <i>Health Care Act 2008</i> that operates a facility within the region; and
	<ul style="list-style-type: none"> (c) any relevant public health partner authority under Section 51(23); and
	<ul style="list-style-type: none"> (d) any other body or group prescribed by the regulations; and
10.3.2.2 take steps to consult with the public.	
10.4	The power pursuant to Section 51(12) of the Act to, if required by the Minister, consult with the Minister, or any other person or body specified by the Minister, before the Council or EHA releases a draft plan under Section 51(11).
10.5	The power pursuant to Section 51(13) of the Act to, before bringing a regional public health plan into operation, submit the plan to the Chief Public Health Officer for consultation.
10.6	The power pursuant to Section 51(15) of the Act to take into account any comments made by the Chief Public Health Officer, SAPHC, and any other body within the ambit of a determination under Section 51(14) of the Act, at the conclusion of the consultation processes envisaged by Sections 51(13) and (14).
10.7	The power pursuant to Section 51(16) of the Act to then adopt a plan or amend a plan with or without alteration.
10.8	<i>Deliberately left blank.</i>
10.9	The power pursuant to Section 51(18) of the Act to provide in a regional public health plan, by agreement with the public health partner authority, for a public health partner authority to take responsibility for undertaking any strategy, or for attaining any priority or goal, under the plan.
10.10	The power pursuant to Section 51(19) of the Act to review a regional public health plan at least once in every 5 years.
10.11	The power pursuant to Section 51(20) of the Act to, in preparing and reviewing the Council's regional public health plan insofar as is reasonably practicable, give due consideration to the plans of other councils insofar as this may be relevant to issues or activities under the Council's plan.
10.12	The power pursuant to Section 51(21) of the Act to, when performing

**INSTRUMENT OF DELEGATION UNDER THE SOUTH
AUSTRALIAN PUBLIC HEALTH ACT 2011 AND SOUTH
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<p>functions or exercising powers under the Act or any other Action on behalf of the Council, insofar as may be relevant and reasonable, have regard to the State Public Health Plan, any regional public health plan that applies within the relevant area and any other requirement of the Minister, and in particular to give consideration to the question whether the Council or EHA should implement changes to the manner in which, or the means by which, the Council or EHA performs a function or exercises a power or undertakes any other activity that has been identified in the State Public Health Plan as requiring change.</p>
<p>11. Reporting on Regional Public Health Plans</p>
<p>11.1 The power pursuant to Section 52(1) of the Act to, in relation to a regional health plan for which the Council is responsible, on a 2 yearly basis, prepare a report that contains a comprehensive assessment of the extent to which, during the reporting period, the Council has succeeded in implementing its regional public health plan to the Chief Public Health Officer in accordance with Sections 52(2), (3) and (4) of the Act.</p>
<p>12. Action to Prevent Spread of Infection</p>
<p>12.1 The power pursuant to Section 66(6) of the Act to recover as a debt costs and expenses reasonably incurred in exercising powers under Section 66(5) of the Act from the person who failed to take the required action.</p>
<p>12.2 The power pursuant to Section 66(9) of the Act to, if the Chief Public Health Officer informs the Council of the occurrence of a disease constituting a notifiable condition, take such action as is reasonably open to EHA to assist in preventing the spread of the disease.</p>
<p>13. Notices</p>
<p>13.1 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:</p>
<p>13.1.1 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</p>
<p>13.1.2 averting, eliminating or minimising a risk, or a perceived risk, to public health.</p>
<p>13.2 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:</p>

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**INSTRUMENT OF DELEGATION UNDER THE SOUTH
AUSTRALIAN PUBLIC HEALTH ACT 2011 AND SOUTH
AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013,
SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013
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13.2.1	have regard to:
13.2.1.1	the number of people affected, or potentially affected, by the breach of the duty;
13.2.1.2	the degree of harm, or potential degree of harm, to public health on account of the breach of the duty;
13.2.1.3	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 EHA thinks fit; and
13.2.2	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:
13.2.2.1	stating the proposed action, including the terms of the proposed notice and the period within which compliance with the notice will be required; and
13.2.2.2	stating the reasons for the proposed action; and
13.2.2.3	inviting the person show, within a specified time (of a reasonable period), why the proposed action should not be taken (by making representations to EHA or a person nominated to act on behalf of the Council).
13.3	The power pursuant to Section 92(2)(b)(iii) of the Act to nominate a person to act on behalf of the Council.
13.4	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:
13.4.1	issue a notice in accordance with the terms of the original proposal; or
13.4.2	issue a notice with modifications from the terms of the original proposal; or
13.4.3	determine not to proceed further under Section 92.
13.5	The power pursuant to Section 92(4) of the Act to:
13.5.1	not give notice under Section 92(2)(b) of the Act if the Delegate

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considers that urgent or immediate action is required in the circumstances of the particular case; and	
13.5.2	not give further notice before issuing a notice with modifications under Section 92(3)(b) of the Act.
13.6	The power pursuant to Section 92(5) of the Act issue a notice under Section 92 of the Act:
13.6.1	in the form of a written notice served on the person to whom it is issued; and
13.6.2	specifying the person to whom it is issued (whether by name or by a description sufficient to identify the person); and
13.6.3	directing 2 or more persons to do something specified in the notice jointly; and
13.6.4	without limiting any other provision, in the case of a notice that relates to the condition of any premises, to any person who:
13.6.4.1	is the owner or occupier of the premises; or
13.6.4.2	has the management or control of the premises; or
13.6.4.3	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
13.6.5	stating the purpose for which the notice is issued and giving notice of the requirement or the risk to which it relates; and
13.6.6	imposing any requirement reasonably required for the purpose for which the notice is issued including 1 or more of the following:
13.6.6.1	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;
13.6.6.2	a requirement that the person not carry on a specified activity except at specified times or subject to specified conditions;
13.6.6.3	a requirement that the person take specified action in a specified way, and within a specified period or at

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	specified times or in specified circumstances;
13.6.6.4	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;
13.6.6.5	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;
13.6.6.6	a requirement that the person undertake specified tests or monitoring;
13.6.6.7	a requirement that the person furnish to a relevant authority specified results or reports;
13.6.6.8	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;
13.6.6.9	a requirement prescribed under or for the purposes of the regulations; and
13.6.7	stating that the person may, within 14 days, apply for a review of the notice or institute an appeal against the notice under the provisions of the Act.
13.7	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 EHA or the Council, vary or revoke the notice.
13.8	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 EHA issues a notice under Section 92 of the Act.
14. Action on Non-compliance with Notice	
14.1	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.
14.2	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

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the Act.	
14.3	The power pursuant to Section 93(4) of the Act to recover the reasonable costs and expenses incurred by EHA or 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.
14.4	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.
15. Action in Emergency Situations	
15.1	The power pursuant to Section 94(5) of the Act to recover the reasonable costs and expenses incurred by a local authorised officer in taking action under Section 94 from any person who caused the risk to which the action relates, as a debt.
16. Reviews – Notices Relating to General Duty	
16.1	The power pursuant to Section 95(13) of the Act to appear in proceedings before the Review Panel as a representative of the Council.
16.2	The power pursuant to Section 95(15) of the Act to make an application to the Review Panel to:
16.2.1	dismiss or determine any proceedings that appear:
16.2.1.1	to be frivolous or vexatious; or
16.2.1.2	to have been instituted for the purpose of delay or obstruction, or for some other improper purpose;
16.2.2	bring any proceedings to an end that appear:
16.2.2.1	to be more appropriate suited to proceedings before the District Court rather than the Review Panel; or
16.2.2.2	to be unable to be satisfactorily resolved (or resolved within a reasonable period) by proceedings before the Review Panel; or
16.2.3	bring any proceedings to an end for any other reasonable cause.

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17. Appeals

- 17.1 The power pursuant to Section 96(3) of the Act and subject to Section 96(4) of the Act, appeal to the District Court against the outcome of review proceedings under Division 3, Part 12 of the Act.

**SOUTH AUSTRALIAN PUBLIC HEALTH
(LEGIONELLA) REGULATIONS 2013**

18. Duty to Register High Risk Manufactured Water System

- 18.1 The power pursuant to Regulation 5(3) of the South Australian Public Health (Legionella) Regulations 2013 (**the Legionella Regulations**) to, on application made in a manner and form approved by the Council or EHA and payment of the registration fee specified in Schedule 1 to the Council or EHA, register the high risk manufactured water system to which the application relates.
- 18.2 The power pursuant to Regulation 5(6) of the Legionella Regulations, to, on application made in a manner and form approved by the Council or EHA and payment of the renewal fee specified in Schedule 1 to the Council or EHA, renew the registration of the high risk manufactured water system to which the application relates.

19. Register of High Risk Manufactured Water Systems

- 19.1 The power pursuant to Regulation 6(2) of the Legionella Regulations and subject to Regulation 6(3) of the Legionella Regulations to determine the manner and form of a register of high risk manufactured water systems registered by EHA and/or the Council.
- 19.2 The power pursuant to Regulation 6(3) of the Legionella Regulations to include in relation to each high risk manufactured water system on the register:
- 19.2.1 the type of water system; and
- 19.2.2 the address of the premises on which the water system is installed; and
- 19.2.3 the location of the water system on the premises; and
- 19.2.4 the full name and residential and business addresses of the owner

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of the premises; and	
19.2.5	the full name, residential and business addresses, and residential and business telephone numbers, of the person nominated by the owner of the premises as being responsible for the operation and maintenance of the water system,
and such other information as EHA thinks fit.	
19.3	The power pursuant to Regulation 15(2) of the Legionella Regulations to, at least once in every 12 months, give the owner of each of the premises on which a high risk manufactured water system registered with EHA and/or the Council is installed, written notice:
19.3.1 requiring the owner, within the period specified in the notice:	
19.3.1.1 to cause an inspection of the water system to be carried out by a competent person (not being the owner or person responsible for the operation and maintenance of the system); and	
19.3.1.2 to arrange for a NATA accredited laboratory to conduct microbiological testing, in accordance with AS/NZS 3896:	
(a) of at least 1 sample of water taken from a cooling water system; and	
(b) of at least 2 samples of water taken from a warm water system,	
to determine the presence and number of colony forming units of Legionella in the water; and	
19.4	requiring the owner to submit to the Council or EHA written reports setting out the findings of the inspection and the results of the microbiological testing within 1 month of receiving the reports.
20. Power of Council to Require Microbiological Testing in Other Circumstances	
20.1	The power pursuant to Regulation 16(1) of the Legionella Regulations, if:
20.1.1 the Council or EHA is investigating the occurrence of Legionellosis in the near vicinity of premises on which a high risk manufactured water system is installed; or	

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<p>20.1.2 the Council or EHA has reason to believe that a high risk manufactured water system installed on premises situated in its area is not being maintained as required by these regulations,</p> <p>to give the owner of the premises written notice:</p>	<p>20.1.3 requiring the owner (either immediately or within a period specified in the notice) to arrange for a NATA accredited laboratory to conduct microbiological testing, in accordance with AS/NZS 3896, of water taken from the system, to determine the presence and number of colony forming units of Legionella in the water; and</p> <p>20.1.4 requiring the owner to submit to EHA or the Council a written report setting out the results of the microbiological testing within 24 hours of receiving the report.</p>
21. Fees	
<p>21.1 The power pursuant to Regulation 21(3) of the Legionella Regulations, if a person is liable to pay a fee to EHA or the Council, to give the person written notice requiring the person to pay the fee within the period specified in the notice.</p>	
<p>21.2 The power pursuant to Regulation 21(4) of the Legionella Regulations, to reduce or remit a fee payable to EHA or the Council under the Legionella Regulations if satisfied that it is appropriate to do so in a particular case.</p>	
<p>21.3 The power pursuant to Regulation 21(5) of the Legionella Regulations, to recover a fee payable to EHA or the Council under the Legionella Regulations by action in a court of competent jurisdiction as a debt due to the Council.</p>	

**SOUTH AUSTRALIAN PUBLIC HEALTH
(WASTEWATER) REGULATIONS 2013**

22. Relevant Authority	
<p>22.1 The power pursuant to Regulation 6(1)(b) of the South Australian Public Health (Wastewater) Regulations 2013 (the Wastewater Regulations) to, agree to act as the relevant authority for a matter relating to an on-site wastewater system with a capacity that does not, or will not, on completion of wastewater works, exceed 40 EP and that is located or to be located in another council area if the system is to be operated by another council or wastewater works related to the system are to be undertaken by another</p>	

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<p>council, or by a person acting in partnership, or in conjunction with that other council.</p>
<p>23. Public Notification of Proposed Community Wastewater Management System</p>
<p>23.1 <i>Deliberately left blank.</i></p>
<p>24. Connection to Community Wastewater Management System</p>
<p>24.1 <i>Deliberately left blank.</i></p>
<p>24.1.1 <i>Deliberately left blank.</i></p>
<p>24.1.2 <i>Deliberately left blank.</i></p>
<p>24.1.2.1 <i>Deliberately left blank.</i></p>
<p>24.1.2.2 <i>Deliberately left blank.</i></p>
<p>24.2 <i>Deliberately left blank.</i></p>
<p>24.3 <i>Deliberately left blank.</i></p>
<p>24.4 <i>Deliberately left blank.</i></p>
<p>24.5 <i>Deliberately left blank.</i></p>
<p>25. Exemptions</p>
<p>25.1 The power pursuant to Regulation 10(3) of the Wastewater Regulations to give an exemption by written notice and subject to conditions determined by EHA and stated in the notice.</p>
<p>25.2 The power pursuant to Regulation 10(4) of the Wastewater Regulations to vary or revoke an exemption by further written notice to the holder of the exemption.</p>
<p>26. Exemptions From Prescribed Codes</p>
<p>26.1 The power pursuant to Regulation 15(3) of the Wastewater Regulations to give an exemption by written notice and is subject to conditions determined by EHA and stated in the notice.</p>
<p>26.2 The power pursuant to Regulation 15(5) of the Wastewater Regulations to vary or revoke an exemption by further written notice to the holder of the</p>

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exemption.
27. Application
27.1 The power pursuant to Regulation 23(2) of the Wastewater Regulations to, by written notice, ask the applicant to provide EHA or the Council with further technical specifications, information or documents relevant to the application or to modify the technical specifications submitted for approval.
28. Determination of Application
28.1 The power pursuant to Regulation 24(1) of the Wastewater Regulations to refuse to grant a wastewater works approval:
28.1.1 if the applicant fails to satisfy EHA of either or both of the following:
28.1.1.1 that the technical specifications for the wastewater works comply with the prescribed codes;
28.1.1.2 that the wastewater works will not, if undertaken in accordance with the conditions of approval, adversely affect or threaten public or environmental health; or
28.1.2 for any other sufficient reason.
28.2 The power pursuant to Regulation 24(2) of the Wastewater Regulations, if an application for a wastewater works approval relates to the connection of a community wastewater management system to SA Water sewerage infrastructure or a significant increase in the amount of wastewater to be discharged from a community wastewater management system to SA Water sewerage infrastructure, to give SA Water a reasonable opportunity to comment on the application and take into account any comments so made.
29. Conditions of Approval
29.1 The power pursuant to Regulation 25(2) of the Wastewater Regulations to impose:
29.1.1 any 1 or more of the following prescribed expiable conditions:
29.1.1.1 a condition that sets out mandatory notification stages during the progress of wastewater works when a person is required to notify EHA and/or the Council in a specified manner and stop the work pending an

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	inspection carried out at the person's expense;
29.1.1.2	a condition that requires the display of specified notices on the premises on which the wastewater system is located;
29.1.1.3	a condition that requires a person to monitor the performance of the wastewater system in a specified manner (including by inspections carried out at specified times at the person's expense) and to provide EHA and/or the Council with specified information in a specified manner and at specified times;
29.1.1.4	a condition that provides that specified material must not, or that only specified material may, be discharged into, or from, the wastewater system;
29.1.1.5	a condition that requires the wastewater system to be operated, maintained or serviced by a person of a specified class;
29.1.1.6	a condition that requires records of a specified kind to be created, maintained, and provided to EHA and/or Council; or
29.1.2	any other conditions including any 1 or more of the following:
29.1.2.1	a condition that requires decommissioning of the wastewater system:
(a)	after a specified trial period; or
(b)	in specified circumstances; or
(c)	on written notice to the operator of the system;
29.1.2.2	a condition that requires a wastewater system to be connected to a community wastewater management system;
29.1.2.3	a condition that prevents activities that would adversely affect the operation or maintenance of a drain or treatment or disposal system or the reuse of wastewater from the wastewater system;
29.1.2.4	a condition that requires a wastewater system to have

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	various access points for maintenance or inspection (raised to or terminating at surface level, or as required by EHA or the Council);
29.1.2.5	a condition that provides that a wastewater system must not be used unless or until it has been inspected or tested by an independent wastewater engineer and the Council EHA supplied with a certificate given by that expert certifying that the wastewater works have been undertaken in accordance with the approved technical specifications;
29.1.2.6	a condition that otherwise specifies requirements relating to: <ul style="list-style-type: none"> (a) the installation of the wastewater system; or (b) the decommissioning of the wastewater system; or (c) the connection of the wastewater system to a community wastewater management system or SA Water sewerage infrastructure or the disconnection of the wastewater system from a community wastewater management system or from SA Water sewerage infrastructure; or (d) the operation, servicing and maintenance of the wastewater system; or (e) the reuse or disposal of wastewater from the wastewater system.
29.2	The power pursuant to Regulation 25(3) of the Wastewater Regulations to impose a condition of approval that:
29.2.1	provides that a matter or thing is to be determined according to the discretion of the Council, EHA, or some other specified person or body; and
29.2.2	operates by reference to the manuals referred to in a product approval for the wastewater system; and
29.2.3	operates by reference to a specified code as in force at a specified time or as in force from time to time.
29.3	The power pursuant to Regulation 25(6) of the Wastewater Regulations to,

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<p>on application and payment of the fee fixed by Schedule 1, by written notice to the applicant, vary or revoke a condition of a wastewater works approval.</p>	
29.4	The power pursuant to Regulation 25(7) of the Wastewater Regulations to, on EHA's own initiative, by written notice to the operator of a wastewater system to which a wastewater works approval applies, vary or revoke a condition of the approval or impose a further condition, provided that the variation, revocation or imposition does not take effect until at least 6 months after the giving of the notice unless:
29.4.1	the operator consents; or
29.4.2	EHA states in the notice that, in his/her opinion, the variation, revocation or imposition is necessary in order to prevent or mitigate significant harm to public or environmental health or the risk of such harm.
<p>30. Expiry of Approval</p>	
30.1	The power pursuant to Regulation 26(2) of the Wastewater Regulations to, on application and payment of the fee fixed by Schedule 1, postpone the expiry of a wastewater works approval for a specified period.
<p>31. Registers of Wastewater Works Approvals</p>	
31.1	The power pursuant to Regulation 27(3) of the Wastewater Regulations, to extend the registers to include wastewater works approvals granted under the revoked regulations.
31.2	The power pursuant to Regulation 27(6) of the Wastewater Regulations to include in the registers other information considered appropriate by the EHA.
<p>32. Requirement to Obtain Expert Report</p>	
32.1	The power pursuant to Regulation 29(1) of the Wastewater Regulations, if EHA suspects on reasonable grounds that a wastewater system is adversely affecting or threatening public or environmental health, to give the operator of the system a written notice requiring the operator to obtain and provide to EHA and/or the Council a written report from an independent wastewater engineer within a specified period addressing specified matters.
32.2	The power pursuant to Regulation 29(3) of the Wastewater Regulations, if the requirements of a notice under Regulation 29 of the Wastewater Regulations are not complied with to obtain the required report and recover the costs and expenses reasonable incurred in doing so from the person

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who failed to comply with the notice, as a debt.	
32.3	The power pursuant to Regulation 29(3) of the Wastewater Regulations, to authorise a person to enter land at any reasonable time for the purposes of the report.
33. Fees	
33.1	The power pursuant to Regulation 33(1) of the Wastewater Regulations, to refund, reduce or remit payment of a fee payable under the Wastewater Regulations if EHA considers that appropriate in the circumstances.
33.2	The power pursuant to Regulation 33(2) of the Wastewater Regulations, to recover a fee payable to the Council by action in a court of competent jurisdiction as a debt due to the Council.

**SOUTH AUSTRALIAN PUBLIC HEALTH (GENERAL)
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34. Non-compliance with Notices (Section 93(6) of Act)	
34.1	The power pursuant to Regulation 5B(2) of the South Australian Public Health (General) Regulations 2013 (the General Regulations), for the purposes of the creation of a charge on land under Section 93 of the Act, to deliver to the Registrar-General a notice, in a form determined by the Minister on the recommendation or with the approval of the Registrar-General:
34.1.1	setting out the amount recoverable under Section 93 of the Act; and
34.1.2	setting out the land in relation to which the relevant action was taken; and
34.1.3	requesting the Registrar-General to make a notation under Regulation 5B of the General Regulations in relation to the relevant land.
34.2	The power pursuant to Regulation 5B(8) of the General Regulations, if or when the amount to which the charge relates is paid, to by further notice in writing to the Registrar-General (being a notice in a form determined by the Minister on the recommendation or with the approval of the Registrar-General) cancel the charge.

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SCHEDULE OF CONDITIONS

**CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
3	The powers delegated at paragraphs 3.1-3.3 of this instrument can only be exercised after EHA has received consent from the Chief Executive Officer of the Council to exercise those powers on a case-by-case basis.
5.2	The powers delegated at paragraph 5.2 of this instrument can only be exercised after EHA has received consent from the Chief Executive Officer of the Council to exercise those powers on a case-by-case basis.
6	The powers delegated at paragraphs 6.1-6.4 of this instrument can only be exercised after EHA has received consent from the Chief Executive Officer of the Council to exercise those powers on a case-by-case basis.

APPENDIX 6

**INSTRUMENT OF DELEGATION UNDER THE
SUPPORTED RESIDENTIAL FACILITIES ACT 1992 AND THE
SUPPORTED RESIDENTIAL FACILITIES REGULATIONS 2009**

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

**POWERS AND FUNCTIONS DELEGATED BY THE COUNCIL IN THIS
INSTRUMENT TO THE EASTERN HEALTH AUTHORITY**

1. Appointment of Authorised Officers
1.1 The power pursuant to Section 21(1) of the Supported Residential Facilities Act 1992 ("the Act") to appoint a person to be an authorised officer under the Act;
1.2 The duty pursuant to Section 21(2) of the Act to issue to an authorised officer an identity card; and
1.3 The power pursuant to Section 21(4) of the Act by notice in writing served on an authorised officer, to revoke the appointment as an authorised officer.
2. Application for a Licence
2.1 The power pursuant to Section 24(3) of the Act by notice in writing not later than two months after a licence application has been made, to require the applicant to furnish specified information;
2.2 The power pursuant to Section 24(5) of the Act to require any information included in an application or required by a notice to be verified by statutory declaration;
2.3 The power pursuant to Section 24(9) of the Act subject to such conditions as Eastern Health Authority (EHA) thinks fit, to conditionally approve the issue of a licence in respect of proposed premises and the duty where satisfied that the premises have been established in substantial compliance with those conditions (and within such a period, if

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	any as EHA may have determined), to grant a licence; and
2.4	Where an application for a licence is refused, the duty pursuant to Section 24(10) of the Act notify the applicant in writing of the refusal, the reasons for the refusal, and any appeal rights that the applicant has under the Act.
2.5	The duty, pursuant to Section 25(1) of the Act in considering an application for a licence in respect of the use of premises as a supported residential facility, to take into account those matters specified in this Section and such other matters as EHA thinks fit;
2.6	The duty pursuant to Section 25(2) of the Act in determining whether or not an applicant is suitable to be granted a licence, to have regard to those matters specified in this Section and to such other matters as EHA thinks fit;
2.7	The duty pursuant to Section 25(3) of the Act in determining whether or not premises are suitable to be used as a supported residential facility, to have regard to those matters specified in Section 25(3) of the Act and to such other matters as EHA thinks fit;
2.8	The duty pursuant to Section 25(4) of the Act not to grant a licence where it appears that the facility would not be administered in accordance with the principles prescribed in Part 2 of the Act.
3.	Renewal of Licence
3.1	The power pursuant to Section 27(3) of the Act at EHA's discretion, to determine a late application for renewal provided that the applicant pays the prescribed late application fee;
3.2	The duty pursuant to Section 27(4) of the Act by notice in writing served on the applicant, to give a decision on an application for the renewal of a licence before the date of expiry of the licence and where EHA decides to refuse an application for renewal of a licence, the duty to state in the notice of refusal the reasons for the refusal and the appeal rights that the applicant may have under the Act.
3.3	The power pursuant to Section 28 of the Act to refuse to renew a licence on any ground on which a licence may be cancelled.
4.	Licence Conditions
4.1	The power pursuant to Section 29(2) of the Act to impose licence conditions with respect to such matters as are contemplated by the Act or as EHA considers necessary or expedient for the purposes of the Act;
4.2	Pursuant to Section 29(3) of the Act where conditions are imposed by

**INSTRUMENT OF DELEGATION UNDER THE SUPPORTED RESIDENTIAL FACILITIES ACT 1992
AND SUPPORTED RESIDENTIAL FACILITIES REGULATIONS 2009**

EHA:	
4.2.1	if imposed at the time of grant or renewal of the licence – the duty to include them in the licence itself;
4.2.2	if imposed during the currency of the licence – the duty to impose them by notice in writing served on the holder of the licence;
4.2.3	the power to vary or revoke conditions at any time by notice in writing served on the holder of the licence;
4.3	Deliberately left blank.
5. Transfer of Licence	
5.1	The duty pursuant to Section 30(4) of the Act, upon due application under Section 30 of the Act and payment of the prescribed fee, to transfer the licence to the proposed transferee if satisfied that the proposed transferee would be a suitable person to be granted a licence under the Act.
6. Cancellation of Licence	
6.1	The power pursuant to Section 31(1) of the Act, to cancel a licence, on reasonable grounds, where satisfied that any of the matters specified in this Section are applicable;
6.2	The duty pursuant to Section 31(2) of the Act before acting under this Section, to notify the holder of the licence in writing of the proposed cancellation of the licence and allow the holder of the licence at least 28 days within which to make submissions in relation to the proposed action;
6.3	The power pursuant to Section 31(3) of the Act pending the cancellation (or possible cancellation) of a licence under this Section, to impose conditions to protect the interests of the residents of the facility; and
6.4	The power pursuant to Section 31(4) of the Act, to appoint an administrator of the facility and to take such other steps as may be reasonable to secure the proper care of the residents of the facility.
7. Appeals	
7.1	The power pursuant to Section 32(5) of the Act where EHA is satisfied that an applicant for renewal of a licence has instituted or intends to institute an appeal, to order that the licence remain in force until the determination of the appeal; and to impose such conditions as EHA thinks fit.

**INSTRUMENT OF DELEGATION UNDER THE SUPPORTED RESIDENTIAL FACILITIES ACT 1992
AND SUPPORTED RESIDENTIAL FACILITIES REGULATIONS 2009**

<p>7.2 The power pursuant to Section 32(7) of the Act if a person contravenes, or fails to comply with, a condition imposed under Section 32(5) of the Act to revoke any order to which the condition relates.</p>
<p>7.3 The duty pursuant to Section 33(1) of the Act, and subject to Section 33(2), where application is made for a licence in respect of a facility that was in operation during the period of three (3) months immediately preceding the commencement of the Section, to upon payment of the prescribed fee, grant a licence in accordance with the Act for a term of one year.</p>
<p>8. Appointment of Manager</p>
<p>8.1 The power pursuant to Section 34(1) of the Act where the proprietor of a facility is not directly involved in the management of the facility or the proprietor of a facility is a body corporate, to approve a natural person for the purpose of managing the facility under that person's personal supervision.</p>
<p>8.2 The power pursuant to Section 34(2) of the Act to extend the period of management without supervision.</p>
<p>9. Death of Licensee</p>
<p>9.1 The power pursuant to Section 35 of the Act, where the holder of a licence dies, to approve the personal representative or some other person to be taken to be the holder of the licence (on the same conditions as applicable to the former holder of the licence) as from the date of death until the expiration of six months from that date or until such later date as may be fixed by EHA.</p>
<p>10. Revision of Resident Contract by Proprietor</p>
<p>10.1 The power pursuant to Section 39(2)(b) of the Act to approve the method of providing a termination notice subject to this Section.</p>
<p>11. Disputes</p>
<p>11.1 The power pursuant to Section 43(2) of the Act on an application made in relation to any of the matters specified in Section 43(1) of the Act, to explore any possible avenue of achieving conciliation between the parties and for these purposes, EHA, may as it thinks fit, take any action in accordance with Section 43(3) of the Act;</p>
<p>11.2 The power pursuant to Section 43(6) of the Act, to require an applicant, to furnish such further information in relation to the subject matter of the application as EHA thinks necessary, and to verify any information by statutory declaration;</p>

**INSTRUMENT OF DELEGATION UNDER THE SUPPORTED RESIDENTIAL FACILITIES ACT 1992
AND SUPPORTED RESIDENTIAL FACILITIES REGULATIONS 2009**

<p>11.3 The duty pursuant to Section 43(7) of the Act to give the applicant and the respondent reasonable notice of the time and place of any hearing of the application;</p> <p>11.4 The power pursuant to Section 43(9) of the Act where satisfied that an interim order is justified by the urgent circumstances of the case, to make an interim order pending final resolution of the matter.</p> <p>11.5 The power pursuant to Section 43(11) of the Act to vary or revoke an order made under Section 43 of the Act;</p> <p>11.6 The power, pursuant to Section 43(12) of the Act -</p> <ul style="list-style-type: none"> 11.6.1 to decline to proceed with an application under this Section until satisfied that reasonable steps have been taken to resolve the dispute pursuant to other procedures specified by EHA; 11.6.2 to decline to proceed with an application under this Section if EHA considers that it would be more appropriate for proceedings to be taken in a court or tribunal constituted by law; or 11.6.3 to decline to proceed (or further proceed) with an application under this Section if proceedings related to the subject matter of the application have been commenced in a court or tribunal constituted by law; and <p>11.7 The duty pursuant to Section 43(13) of the Act in determining any application under this Section, to act with as much expedition as is reasonably practicable in the circumstances.</p>
12. Attendance by Health Service Providers etc.
12.1 The power pursuant to Section 47(1) of the Act to approve a health service provider, social worker, or any person, for the purposes of Section 47.
13. Complaints
13.1 The power pursuant to Section 49(1) of the Act to receive a complaint about the management of a supported residential facility or any residential-only premises or about the conduct of a resident of a supported residential facility or any residential-only premises.
13.2 The power pursuant to Section 49(2) of the Act to require a complaint to be reduced to writing.
13.3 The power pursuant to Section 49(3) of the Act to take such action as EHA thinks fit in view of the complaint.

**INSTRUMENT OF DELEGATION UNDER THE SUPPORTED RESIDENTIAL FACILITIES ACT 1992
AND SUPPORTED RESIDENTIAL FACILITIES REGULATIONS 2009**

- 13.4 The power pursuant to Section 49(4) of the Act to appoint an authorised officer to carry out an investigation into the circumstances surrounding the complaint and to attempt to resolve the matter as expeditiously as possible.

14. Regulations

- 14.1 Pursuant to Sections 57(5) and (6) of the Act where the proprietor of a facility who holds a licence under the Act applies to EHA for an exemption from a regulation that applies to the facility and EHA is satisfied -

- 14.1.1 that EHA can grant the exemption without seriously affecting the interests of a resident of the facility; and

- 14.1.2 that it is appropriate for EHA to grant the exemption in the circumstances of the particular case,

the power to, by notice in writing to the proprietor, exempt the proprietor from the regulation to which the application relates, on such conditions as EHA thinks fit.

- 14.2 The power pursuant to Section 57(7) of the Act, to, at any time, by further notice to the proprietor:

- 14.2.1 revoke an exemption under Section 57(5);

- 14.2.2 vary or revoke a condition under Section 57(6).

**DELEGATIONS UNDER THE SUPPORTED RESIDENTIAL FACILITIES
REGULATIONS 2009**

15. The duty pursuant to Regulation 4(1) of the Supported Residential Facilities Regulations 2009 ("the Regulations") to decide an application for a licence under Section 24 of the Act within eight weeks of the application being made.
16. The duty pursuant to Regulation 4(2) of the Regulations, in considering an application for a licence in respect of the use of premises (or proposed premises) as a supported residential facility, to take into account the extent to which the premises (or proposed premises) accord with the standards prescribed by or under the Building Code of Australia.
17. The power pursuant to Regulation 5(2) of the Regulations to receive a copy of a prospectus, or a copy of an alteration to a prospectus, and a copy of the written statement required to accompany the prospectus or alteration to the prospectus

**INSTRUMENT OF DELEGATION UNDER THE SUPPORTED RESIDENTIAL FACILITIES ACT 1992
AND SUPPORTED RESIDENTIAL FACILITIES REGULATIONS 2009**

pursuant to Regulation 5(2)(b) of the Regulations.	
18.	The power pursuant to Regulation 14(1)(b) of the Regulations to receive information of any untoward medical event that occurs in relation to a resident of a facility.
19.	The power pursuant to Regulation 17(2) of the Regulations to approve an acting manager for the purpose of appointment to or otherwise assuming the duties of the office of manager of a facility if, for a period exceeding seven days, a manager is absent from the duties of office, or the position of manager is temporarily vacant and a resident of the facility is in need of personal care services.
20.	The power pursuant to Regulation 18(1) of the Regulations to approve a registered nurse as being a person who has appropriate qualifications, skills and experience to oversee the provision of nursing care at a facility.
21.	The power pursuant to Regulation 18(2) of the Regulations, if there is a change in the type or level of services provided at a nursing home, to revoke, by notice in writing to the proprietor, an approval under Regulation 18(1) of the Regulations and require that a new appointment be made to ensure that the person who oversees the provision of nursing care at the facility has the qualifications, skills and experience appropriate to the facility.
22.	The power pursuant to Regulation 21(1)(b) of the Regulations to approve a kitchen at a facility otherwise than in accordance with the requirements of Regulation 21(1)(b) of the Regulations.
23.	The power pursuant to Regulation 21(3)(e) of the Regulations to require the fitting of handrails, ramps and, for a multi-storey building, lifts.
24.	The power pursuant to Regulation 24(1) of the Regulations to direct the proprietor of a facility to install a communication system at the facility.
25.	The duty pursuant to Regulation 26(2) of the Regulations to remit amounts payable to the indemnity fund under Section 56(4) of the Act to the fund manager within 28 days after the end of the financial year in which they are received by EHA.

**INSTRUMENT OF DELEGATION UNDER THE SUPPORTED RESIDENTIAL FACILITIES ACT 1992
AND SUPPORTED RESIDENTIAL FACILITIES REGULATIONS 2009**

SCHEDULE OF CONDITIONS

**CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
	NIL



Campbelltown City Council

Item 61 Appendix B

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3 August 2016

Mr M Livori
Chief Executive Officer
Eastern Health Authority
PO Box 275
STEPNEY SA 5069

Dear Mr Livori

Michael

Delegations to Eastern Health Authority

Following receipt of your correspondence of 10 June 2016, Council has reviewed the proposed delegations to Eastern Health Authority and resolved to adopt your recommendations at its meeting on 2 August 2016.

Extracts from the Council agenda showing a copy of the report to Council (pp 203-207 plus separate attachment marked 'Refer Item 11.7E') and an extract of the Council minutes showing the resolution that was carried by Council (pp 7-9), are attached for your information and action.

If you would like to discuss the matter further, please contact me directly on 8366 9234.

Yours sincerely

Lyn Townsend
Manager, Governance & Communications

11.7E Review of Delegations to the Eastern Health Authority

TRIM Reference: B34

Irene Zagar, Governance Officer's Report

Purpose of Report

To facilitate revised delegations in respect to the EHA (Eastern Health Authority).

Strategic Plan Link

- Strategy 2.5.1** Provide an effective corporate governance service that meets legislative requirements

Background

Section 44(6) of the Act (Local Government Act 1999) requires Council to review its delegations at least once each financial year. Staff conducted a comprehensive review of delegations earlier this year, noting that the EHA delegations would be reviewed separately later this year.

Discussion

Mr Michael Livori, Chief Executive Officer, EHA wrote to Council on 10 June 2016 (letter attached) requesting that Council review its delegations to the Authority. Staff have considered the correspondence and checked the delegations, and recommend that Council delegate all matters as per the Instruments of Delegation as listed below in Appendices 1 - 6.

- Appendix 1** Environment Protection Act 1993 and Environment Protection (Waste to Resources) Policy 2010
- Appendix 2** Expiation of Offences Act 1996
- Appendix 3** Housing Improvement Act 1940
- Appendix 4** Safe Drinking Water Act 2011
- Appendix 5** South Australian Public Health Act 2011; South Australian Public Health (Wastewater) Regulations 2013, South Australian Public Health (Legionella) Regulations 2013 and South Australian Public Health (General) Regulations 2013
- Appendix 6** Supported Residential Facilities Act 1992 and Supported Residential Facilities Regulations 2009.

As per Mr Livori's letter, it has only been necessary to make minor changes to the Instruments of Delegation to bring them into line with the templates on the Local Government Association website.

Revocation

Staff recommend that Council revoke and remake all EHA delegations in relation to the following Acts rather than updating individual delegations; this aligns to the recommended approach for treatment of delegations by Council's solicitors:

- 1.1.1 Environment Protection Act 1993
- 1.1.2 Expiation of Offences Act 1996
- 1.1.3 Housing Improvement Act 1940
- 1.1.4 Local Government Act 1999
- 1.1.5 South Australian Public Health Act 2011 along with the South Australian Public Health (Legionella) Regulations 2013 and the South Australian Public Health (Wastewater) Regulations 2013
- 1.1.6 Supported Residential Facilities Act 1992
- 1.1.7 Safe Drinking Water Act 2011.

Due to the need to align implementation of EHA delegations with other Constituent Councils, the EHA delegations are proposed to come into effect from 31 August 2016.

Social Implications

Maintenance of current and relevant delegations can assist in a more timely response to matters of public interest. For example, EHA provides services on behalf of Council and other Constituent Councils.

Environmental Implications

There are no environmental implications in relation to this report.

Asset Management Implications

There are no asset management implications in relation to this report.

Governance / Risk Management

Regular review of delegations reduces the corporate governance risks related to Council's responsibilities under the legislation delegated to the EHA.

Community Engagement

No Community engagement is necessary in relation to this report.

Regional Implications

There are no regional implications in relation to this report.

Financial Implications

There are no financial implications in relation to this report.

Recommendation

1. That having conducted its annual review of the Council's Delegations to EHA (Eastern Health Authority) in accordance with Section 44(6) of the Local Government Act 1999, the Council:

Revocations

- 1.1 Hereby revokes its previous delegations to EHA of those powers and functions under the following:

1.1.1 Environment Protection Act 1993

1.1.2 Expiation of Offences Act 1996

1.1.3 Housing Improvement Act 1940

1.1.4 Local Government Act 1999

1.1.5 South Australian Public Health Act 2011 along with the South Australian Public Health (Legionella) Regulations 2013 and the South Australian Public Health (Wastewater) Regulations 2013

1.1.6 Supported Residential Facilities Act 1992

1.1.7 Safe Drinking Water Act 2011

with effect from 31 August 2016.

2. Delegations made under Local Government Act 1999

- 2.1 In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the following Acts and specified in the proposed Instruments of Delegation contained in Appendices 1-5 of the Report dated 2 August 2016 and entitled Review of Delegations to EHA (each of which is individually identified as indicated below) are hereby delegated this 2nd day of August 2016 to EHA with effect from 31 August 2016 subject to the conditions and or limitations specified herein or in the Schedule of Conditions in each such proposed Instrument of Delegation.

2.1.1 Environment Protection Act 1993 (Appendix 1)

2.1.2 Expiation of Offences Act 1996 (Appendix 2)

2.1.3 Housing Improvement Act 1940 (Appendix 3)

- 2.1.4 **Safe Drinking Water Act 2011 (Appendix 4)**
- 2.1.5 **South Australian Public Health Act 2011 along with the South Australian Public Health (Legionella) Regulations 2013, South Australian Public Health (Wastewater) Regulations 2013 and the South Australian Public Health (General) Regulations 2013 (Appendix 5).**
- 2.2 **Such powers and functions may be further delegated by EHA in accordance with Section 44 of the Local Government Act 1999 as EHA sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegation.**

3. Delegations under Supported Residential Facilities Act 1992

- 3.1 **In exercise of the power contained in Section 9 of the Supported Residential Facilities Act 1992, the powers and functions under the Supported Residential Facilities Act 1992 and the Supported Residential Facilities Regulations 2009 specified in the proposed Instrument of Delegation contained in Appendix 6 to the Report dated 2 August 2016 and entitled Review of Delegations to EHA are hereby delegated this 2nd day of August 2016 to EHA with effect from 31 August 2016 subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Supported Residential Facilities Act 1992.**
- 3.2 **Such powers and functions may be further delegated by EHA as EHA sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Supported Residential Facilities Act 1992.**

4. Enforcement Agency under the Food Act 2001

4.1 The Council acknowledges that:

- 4.1.1 **EHA has been established as a regulatory subsidiary and is thereby prescribed, pursuant to Section 4 of the Food Act 2001 and in accordance with Regulation 4(1) of the Food Regulations 2002, as an enforcement agency for the purposes of the Food Act 2001, and**
- 4.1.2 **EHA is completely responsible for the operation and enforcement of the Food Act 2001 within the area of Campbelltown City Council**
- 4.1.3 **the Chief Executive Officer of EHA, as the person designated by the Constituent Councils of EHA as the principal officer of EHA, is, pursuant to Regulation 5 of the Food Regulations 2002, prescribed as the head of an enforcement agency for the purposes of the Food Act 2001.**

5. Prosecutions

- 5.1 In exercise of the powers contained in Section 44 of the Local Government Act 1999 the Council delegates this 2nd day of August 2016 the powers under Sections 6 and 36(1) of the Local Government Act 1999 to EHA to commence a prosecution for a breach of the Housing Improvement Act 1940, the South Australian Public Health Act 2011, the South Australian Public Health (General) Regulations 2013, the South Australian Public Health (Legionella) Regulations 2013, and the South Australian Public Health (Wastewater) Regulations 2013 where those instruments empower the Council to commence prosecution for a breach and to do anything necessary, expedient or incidental to performing or discharging the Council's power with effect from 31 August 2016, and such power may be further delegated by EHA as EHA sees fit.**
- 5.2 In exercise of the powers contained in Section 9(2) of the Supported Residential Facilities Act 1992 and Section 44 of the Local Government Act 1999 the Council delegates this 2nd day of August 2016 the powers under Sections 6 and 36(1) of the Local Government Act 1999 and Section 9(1) of the Supported Residential Facilities Act 1992 to EHA to commence a prosecution for a breach of the Supported Residential Facilities Act 1992 and/or the Supported Residential Facilities Regulations 2009 where those instruments empower the Council to commence prosecution for a breach and to do anything necessary, expedient or incidental to performing or discharging the Council's power with effect from 31 August 2016, and such power may be further delegated by EHA as EHA sees fit.**

11.7F Update to The ARC Campbelltown Fees and Charges

TRIM Reference: B3210

Manager Finance, Simon Zbierski's Report

Purpose of Report

To adopt updates to the fees and charges set for The ARC Campbelltown.

Strategic Plan Link

Strategy 2.5.6 Provide timely and relevant financial information to help make informed decisions

Background

Following the adoption of the 2016/2017 Fees and Charges Schedule by Council at its 3 May 2016 meeting, some additional fees and charges have been proposed to be incorporated for The ARC Campbelltown. Some fees have also required updating, along with a tidy up of wording to align with the Centre's marketing material.



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Refer Item 11.7E

Our Ref: AF16/54

10 June 2016

Mr Paul Di Iulio
Chief Executive Officer
PO Box 1
Campbelltown SA 5074

Dear Paul

Review of Delegations to the Eastern Health Authority (EHA)

As you would be aware councils are required to review their delegations at least once in every financial year pursuant to Section 44(6) of the Local Government Act 1999.

As previously agreed EHA has committed to lead the review process in relation to the delegations made to EHA by its Constituent Councils. This agreement was made to ensure continuity and consistency of the delegations used by EHA. Constituent Councils have considered their respective delegations to EHA as a separate process from all other delegations they may make since 2007.

The reasoning behind the approach was based on the following:

- The previous approach where councils considered all of their respective delegations in a single report would require EHA to review its delegations and sub delegations on five separate occasions each year to accord with the reviews undertaken by each of its five Constituent Councils.
- Should EHA not review its delegations five times per year to accord with the reviews undertaken by EHA's Constituent Councils, there would be periods of time during which the EHA's delegations and sub delegations were no longer in force if the Constituent Councils have revoked their previous delegations to EHA.
- There may be inconsistencies in the way in which each of the Constituent Councils delegate powers and functions under the relevant Acts to EHA.

EHA has now undertaken a review of all delegations currently in place and requests that the reviewed Instruments of Delegation which are enclosed are adopted by your council.

The draft resolutions have been drafted so that the delegations to EHA from the Constituent Councils will come into effect on 31 August 2016. This is the date that EHA's Board of Management will subdelegate the powers and functions delegated to EHA to the Chief

Executive Officer and staff of EHA. It is therefore necessary for your council to adopt the instruments prior to this date.

To assist your council with the process I have enclosed the following documents and included instructions in relation to their use

1. Draft Resolution for the Making of Delegations — Council to Eastern Health Authority:

The draft resolutions are in substantially the same format as the draft resolutions that appear on the LGA website in respect of the template Instruments of Delegations, albeit with necessary modification. Accordingly the draft resolutions will be familiar to Constituent Councils.

The draft resolution provides for the revocation of delegations under the six Acts listed at clause 1.1. You will note that in the instance where a Constituent Council revokes its previous delegations to EHA, the draft resolutions provide for that revocation to take effect from 31 August 2016.

This will assist in ensuring that there is no gap between the period that the Constituent Councils make delegations to EHA and EHA subdelegates those powers and functions delegated to it.

Clause 2 delegates powers via the Local Government Act in relation to the Environment Protection Act, Expiation of Offences Act, Housing Improvement Act, Safe Drinking Water Act and South Australian Public Health Act.

Clause 2 requires the insertion of:

- [X] – the report date
- [Y] – the report title
- [insert day] of [insert month] 201[] (the date of the council meeting to consider the delegations)

Clause 3 directly delegates powers under the Supported Residential Facilities Act.

Clause 3 require the insertion of:

- [X] – the report date
- [Y] – the report title
- [insert day] of [insert month] 201[] (the date of the council meeting to consider the delegations)

Clause 4 of the draft resolution provides for an acknowledgment that EHA is an enforcement agency for the purposes of the Food Act 2001 and further that EHA is completely responsible for the operation and enforcement of the Food Act 2001 within the area of the relevant council. This is due to the fact that EHA receives its powers directly from the legislation by virtue of it being a regional subsidiary.

The resolution also acknowledges that the Chief Executive Officer of EHA, being the principal officer of EHA, is the head of an enforcement agency pursuant to Regulation 5 of the Food Regulations 2002.

Clause 4 at 4.1.2 requires the insertion of the name of your council at [insert name of Council].

Clause 5 provides for delegations in relation to the commencement of prosecutions under the:

- Housing Improvement Act 1940;
- South Australian Public Health Act 2011, South Australian Public Health (General) Regulations 2013, South Australian Public Health (Waste Water) Regulations 2013 and the South Australian Public Health (Legionella) Regulations 2013.
- Supported Residential Facilities Act 1992 and the Supported Residential Facilities Regulations 2009.

Clause 5.1 and 5.2 require the insertion of :

At [insert date], the date of the council meeting to consider the delegations.

Delegations to commence prosecutions under the Food Act 2001 are unnecessary as EHA is the enforcement agency under that Act. In addition the majority of EHA's powers under the Environment Protection Act 1993 come directly from the Environment Protection Authority and not the Constituent Councils. Powers to commence prosecutions under the Safe Drinking Water Act 2011 are provided directly to authorised officers appointed under that legislation by EHA.

In all instances it is proposed as has been the case in the past that the powers and functions delegated to EHA by the Constituent Councils are able to be sub delegated by EHA as it sees fit.

The standard conditions of delegation requires the insertion of the name of your council at [insert name of Council].

2. Various Instruments of Delegations (Appendices 1 to 6)

The Instruments of Delegation listed below are reasonably self-explanatory.

- | | |
|------------|---|
| Appendix 1 | Environment Protection Act 1993 and Environment Protection (Waste to Resources) Policy 2010 |
| Appendix 2 | Expiation of Offences Act 1996 |
| Appendix 3 | Housing Improvement Act 1940 |
| Appendix 4 | Safe Drinking Water Act 2011 |
| Appendix 5 | South Australian Public Health Act 2011; South Australian Public Health (Wastewater) Regulations 2013 South Australian Public Health (Legionella) Regulations 2013 and South Australian Public Health (General) Regulations 2013. |
| Appendix 6 | Supported Residential Facilities Act 1992 and Supported Residential Facilities Regulations 2009 |

In the main, it has only been necessary to make minor changes to the instruments previously adopted by Constituent Councils to bring them in line with the templates on the Local Government Association website. However:

- Changes have been made to the instrument of delegation under the Supported Residential Facilties Act to take into account the State Government's 2015 abolition

of the SRF Advisory Committee and to include powers to revoke or vary exemptions granted from the Regulations. The previous omission of the latter powers was an oversight;

- Reference has now been expressly made in the instrument of delegation under the Expiation of Offences Act to the power of EHA to issue expiation notices for alleged offences against the South Australian Public Health (General) Regulations. This brings the approach under this regulation into line with EHA's power under the South Australian Public Health Act and the other regulations made under that Act;
- A new power has been included at paragraph 34 of the South Australian Public Health Act instrument as a result of a legislative amendment that occurred in 2015.

The Instruments are in the same format as the Instruments of Delegation on the LGA website and accordingly amendments to the Instruments can be easily attended to in the future by reference to the updated instruments that are prepared and placed on the LGA website.

The documents enclosed with this correspondence have also been provided to council in an electronic format via e-mail to Lyn Townsend.

Once your council has considered the delegations review it would be appreciated if you would provide EHA with a copy of the report, attachments and minutes which are required for the subdelegation process. It would be appreciated if these documents are forwarded to EHA as soon as practically possible following your council meeting to enable a report to be presented to the Board of Management meeting on 31 August 2016.

I hope this information is useful in relation to the review of delegations process and trust that the proposed review process timeline is acceptable to you. If you would like to discuss any issue in relation to the delegation review please contact me on telephone 8132 3611.

Yours sincerely

**Michael Livori
Chief Executive Officer**

Encl

APPENDIX 1

**INSTRUMENT OF DELEGATION UNDER THE
ENVIRONMENT PROTECTION ACT 1993 AND
THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES) POLICY 2010**

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

**POWERS AND FUNCTIONS DELEGATED BY THE COUNCIL IN THIS
INSTRUMENT TO THE EASTERN HEALTH AUTHORITY**

1. The power pursuant to Section 85(3) of the Environment Protection Act 1993 ("the Act"), to appoint authorised officers for the purposes of the Act.
2. The power pursuant to Section 85(4) of the Act to make an appointment under Section 85(3) of the Act subject to conditions to be specified in the instrument of appointment, and subject to conditions prescribed by regulation.
3. The power pursuant to Section 85(5) of the Act to revoke an appointment or to vary or revoke a condition specified in the instrument of such an appointment or impose a further such condition.
4. Site Contamination Assessment Orders <p><i>Deliberately left blank</i></p>
5. Site Remediation Orders <p><i>Deliberately left blank</i></p>
6. Deliberately left blank

<u>DELEGATIONS UNDER THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES) POLICY 2010</u>
6A. <i>Deliberately left blank</i>
7. The duty pursuant to Clause 17(2) of the Policy to ensure that the following

**INSTRUMENT OF DELEGATION UNDER THE ENVIRONMENT PROTECTION ACT 1993
AND THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES) POLICY 2010**

<p>provisions are complied with in relation to any medical waste received by the Eastern Health Authority:</p>	
(a)	if any other waste is mixed with medical waste, the other waste is to be dealt with under this clause in the same way as is required in relation to medical waste;
(b)	all medical waste must be stored in containers that are weatherproof, shatterproof, insect and vermin proof, and leak proof or, in the case of containers storing only medical sharps or any other sharp articles, leak resistant;
(c)	all containers for medical waste that are kept for further use must be thoroughly cleaned and disinfected as soon as reasonably practicable after emptying;
(d)	all containers used for the storage or transport of medical waste must be clearly labelled as containing medical waste;
(e)	all containers of medical waste must be stored in a secure location;
(f)	all necessary equipment required to clean and disinfect the area in case of accidental spillage of medical waste must be readily available and accessible;
(g)	discarded medical sharps or any other sharp articles must be contained for disposal in containers that comply with the requirements of the Standards, as amended from time to time, set out in Clause 17(2)(g)(i) of the Policy and the containers must not be subject to compaction by a compacting device nor placed for storage or transport in a portable or mobile compactor;
(h)	medical waste must be disposed of as soon as reasonably practicable;
(i)	all medical waste must be:
(i)	disposed of by incineration; or
(ii)	disposed of by such other method of treatment or disposal as is approved by the Authority and subject to such conditions as the Authority thinks fit;
(iii)	collected for disposal by -
(A)	a licensed waste transporter authorised to collect and transport medical waste; or
(B)	a council;

- (j) before the collection of medical waste for disposal, the transporter must be advised of the nature of the waste, hazards associated with the waste and any precautions that need to be taken during the collection, transport or disposal of the medical waste;
- (k) the transporter must be given such assistance as is required to ensure that loading operations are carried out in such a way as to prevent spillage of any medical waste.

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**INSTRUMENT OF DELEGATION UNDER THE ENVIRONMENT PROTECTION ACT 1993
AND THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES) POLICY 2010**

SCHEDULE OF CONDITIONS

**CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
	NIL

APPENDIX 2

INSTRUMENT OF DELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED BY THE COUNCIL IN THIS INSTRUMENT TO THE EASTERN HEALTH AUTHORITY

1. Certain Offences may be Expiated
<p>1.1. The power pursuant to Section 5(1) of the Expiation of Offences Act 1996 ("the Act") to issue an expiation notice under the Act to a person alleged to have committed an offence under:</p> <ul style="list-style-type: none"> 1.1.1. Housing Improvement Act 1940; 1.1.2. South Australian Public Health Act 2011 along with the South Australian Public Health (General) Regulations 2013, the South Australian Public Health (Legionella) Regulations 2013 and the South Australian Public Health (Wastewater) Regulations 2013; 1.1.3. Supported Residential Facilities Act 1992, <p>and the alleged offence may accordingly be expiated in accordance with the Act.</p>
2. Expiation Notices
<p>2.1 The power pursuant to Section 6(3)(b)(ii) of the Act to authorise a person in writing to give an expiation notice for an alleged offence under:</p> <ul style="list-style-type: none"> 2.1.1. Housing Improvement Act 1940; 2.1.2. South Australian Public Health Act 2011 along with the South Australian Public Health (General) Regulations 2013, the South Australian Public Health (Legionella) Regulations 2013 and the South Australian Public Health (Wastewater)

INSTRUMENT OF DELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996

	Regulations 2013;
	2.1.3 Supported Residential Facilities Act 1992.
	3. Review of Notices on Ground that Offence is Trifling
	<p>3.1 The power pursuant to Section 8A(2) and (3) of the Act to require an alleged offender who is seeking a review of the notice on the ground that the offence is trifling:</p> <ul style="list-style-type: none"> 3.1.1 to provide further information; and 3.1.2 to provide a statutory declaration verifying the information contained in, or supporting, an application for review.
	<p>3.2 The duty pursuant to Section 8A(4) of the Act to determine an application for review before issuing a certificate for an enforcement determination in respect of the offence to which the application relates.</p>
	<p>3.3 The duty pursuant and subject to Section 8A(5) and (6) of the Act upon being satisfied the offence is trifling to withdraw the expiation notice in respect of the offence by giving written notice to the alleged offender.</p>
	3A. Arrangements as to Manner and Time of Payment
	<p>3A.1 The power pursuant to Section 9(2) of the Act to agree with the Fines Enforcement and Recovery Officer the manner in which the Fines Enforcement Recovery Officer must give Eastern Health Authority (EHA) notice of any arrangement entered into under Section 9 of the Act.</p>
	<p>3A.2 The power pursuant to Section 9(12) of the Act, if an arrangement terminates under Section (9), (10) or (11) of the Act, to agree with the Fines Enforcement and Recovery Officer the manner in which the Fines Enforcement and Recovery Officer must give the EHA notice of the termination and the amount then outstanding (taking into account, where the arrangement required the performance of community service, the number of hours of community service so performed).</p>
	4. Expiation Reminder Notices
	<p>4.1 The duty pursuant to Section 11 of the Act where an alleged offender has neither paid the expiation fee nor entered into an arrangement under Section 9 of the Act and the Council or EHA has not received a statutory declaration or other document sent to the Council or EHA by the alleged offender in accordance with a notice required by law to accompany the expiation notice, by the end of the expiation period, and before the Delegate takes any action under this Act to enforce the expiation notice, to send an expiation reminder notice in the prescribed</p>

	form to the alleged offender before any action is taken under the Act to enforce the expiation notice.
5. Expiation Enforcement Warning Notices	
5.1	The duty pursuant to Section 11A of the Act where the Council or EHA has received a statutory declaration or other document sent to the Council or EHA by the alleged offender in accordance with a notice required by law to accompany the expiation notice or expiation reminder notice, and before the Delegate takes action under this Act to enforce the expiation notice, to send an expiation enforcement warning notice, in the prescribed form, to the alleged offender by post.
6. Late Payment	
6.1	The power pursuant to Section 12 of the Act to accept late payment of the amount due under an expiation notice at any time before an enforcement determination is made under Section 13 of the Act.
7. Enforcement Determinations	
7.1	The power pursuant to Section 13(1) of the Act to enforce an expiation notice against an alleged offender by sending to the Fines Enforcement and Recovery Officer:
7.1.1	a certificate that contains the particulars determined by the Fines Enforcement and Recovery Officer relating to:
7.1.1.1	the alleged offender; and
7.1.1.2	the offence or offences that remain unexpiated; and
7.1.1.3	the amount due under the notice; and
7.1.1.4	compliance by EHA as the authority with the requirements of the Act and any other Act;
7.1.2	the prescribed fee.
7.2	The power pursuant to Section 13(4) of the Act to apply to the Fines Enforcement and Recovery Officer under and in accordance with Section 13 of the Act within 30 days of notice of an enforcement determination being given, sent or published in accordance with Section 13 of the Act for the enforcement determination to be revoked.
8. Withdrawal of Expiation Notices	

INSTRUMENT OF DELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996

8.1	The power pursuant to Section 16(1) of the Act, to withdraw an expiation notice with respect to all or any of the alleged offences to which an expiation notice relates where:
8.1.1	in the opinion of the Delegate the alleged offender did not commit the offence or offences, or that the notice should not have been given with respect to the offence or offences;
8.1.2	the Council or EHA as issuing authority receives a statutory declaration or other document sent to the Council or EHA by the alleged offender in accordance with a notice required by law to accompany the expiation notice or expiation reminder notice; or
8.1.3	the notice is defective; or
8.1.4	the Delegate decides that the alleged offender should be prosecuted for the offence or offences.
8.2	The power pursuant to Section 16(5) of the Act, where an expiation notice is withdrawn under subsection (1), to commence prosecution for an offence to which the notice related.
8.3	The duty pursuant to Section 16(6) of the Act, subject to Section 16(7) of the Act, to withdraw an expiation notice if it becomes apparent that the alleged offender did not receive the notice until after the expiation period, or has never received it, as a result of error on the part of the Council or EHA as issuing authority or failure of the postal system.
8.4	The duty pursuant to Section 16(11) of the Act, where an expiation notice is withdrawn under Section 16 of the Act and the notice of withdrawal does not specify that the notice is withdrawn for the purposes of prosecuting the alleged offender, and if an enforcement determination has been made under Section 13 of the Act, to inform the Fines and Enforcement Recovery Officer of the withdrawal of the notice.
9.	Provision of Information
9.1	The power pursuant to Section 18 of the Act to enter into an agreement with the Fines Enforcement and Recovery Officer in relation to:
9.1.1	the manner in which the Fines Enforcement and Recovery Officer is to provide information to EHA in relation to action taken by the Fines Enforcement and Recovery Officer under the Act in respect of an expiation notice issued by EHA as a delegate of the Council; and
9.1.2	the manner in which EHA is to provide information to the Fines

Enforcement and Recovery Officer in relation to the issuing of an expiation notice by EHA as a delegate of the Council or any other action taken by EHA as a delegate of the Council in respect of an expiation notice so issued.

INSTRUMENT OF DELEGATION UNDER THE EXPIRATION OF OFFENCES ACT 1996

SCHEDULE OF CONDITIONS

**CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
	NIL

APPENDIX 3

INSTRUMENT OF DELEGATION UNDER THE HOUSING IMPROVEMENT ACT 1940

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED BY THE COUNCIL IN THIS INSTRUMENT TO THE EASTERN HEALTH AUTHORITY

1.	Power to Declare Houses Unfit for Habitation
1.1	The power pursuant to Section 23(1) of the Housing Improvement Act 1940 ("the Act"):
1.1.1	to make due inquiries and obtain such reports as the Delegate deems necessary to be satisfied that any house is undesirable for human habitation or is unfit for human habitation;
1.1.2	to declare that the house -
	1.1.2.1 is undesirable for human habitation; or
	1.1.2.2 is unfit for human habitation.
1.2	The duty pursuant to Section 23(2) of the Act where any house has been declared undesirable or unfit for human habitation -
1.2.1	to serve on the owner of the house a declaration together with a written statement setting out particulars of the deficiencies and directing the owner, within a specified time (being not less than one month after the service of the declaration) -
1.2.1.1	to carry out such work in respect of the house (including, if so directed, partial demolition) as is directed in the notice; or
1.2.1.2	if the Delegate is of the opinion that it is impracticable to make the house desirable or fit for human

INSTRUMENT OF DELEGATION UNDER THE HOUSING IMPROVEMENT ACT 1940

habitation, to demolish the house; and	
1.2.2	to serve a copy of the declaration, statement and direction on any occupier of the house and on every registered mortgagee of the land on which the house is situated; and
1.3	The power pursuant to Section 23(2) of the Act where any house has been declared undesirable or unfit for human habitation -
1.3.1	if the direction is to demolish, to serve on the occupier (if any) a written notice requiring the occupier to vacate the house within a specified period being not less than one month after service; and
1.3.2	where the direction requires any work to be carried out in respect of the house, to serve on any occupier (if any) a written notice to vacate the house within a specified period being not less than one month after service, unless the house is, to the satisfaction of the Delegate, made to comply with the directions given by the Delegate before the expiration of the specified period.
1.4	The power pursuant to Section 23(3) of the Act to certify in writing that the house that has been declared undesirable for human habitation or unfit for human habitation complies with the direction given by the Delegate and in the time specified in the direction under Section 23(2)(c) or (d).
1.5	The power pursuant to Section 23(5) of the Act where an owner fails to comply with any direction under Section 23 within the time specified in the direction –
1.5.1	to do anything that is necessary to make the house comply with the direction or demolish the house;
1.5.2	to recover any expenses incurred from the owner of the house;
1.5.3	to sell or dispose of any material taken from the house;
1.6	The duty pursuant to Section 23(5)(d) of the Act to apply the proceeds of any sale for or towards the expenses incurred by the Council and pay any surplus (if any) in discharge of the mortgage or encumbrance of any registered mortgagee of the land in accordance with their respective priorities and to pay any remaining balance to the owner.
2. Power of Housing Authority	
2.1	The power pursuant to Section 25(1) of the Act to consult with the Housing Authority and the duty pursuant to Section 25(1) of the Act, if required by the Housing Authority by notice in writing, within the time

	specified in the notice, to make a declaration pursuant to Section 23 of the Act with respect to the house in the form required by the Housing Authority and to give any direction or notice or otherwise exercise any power under Section 23 in the manner required by the Housing Authority.
3. Power to Declare Clearance Area	
3.1	The power pursuant to Section 33(3)(a)(i) of the Act to consult with the Housing Authority where the Housing Authority is intending to submit a recommendation to the Governor under Section 33 of the Act; and
3.2	The power pursuant to Section 33(b) to make any objections to the Housing Authority, in relation to such recommendation.
4. Powers of Entry and Inspection	
4.1	The power pursuant to Section 67 of the Act to authorise persons to enter into and upon any premises at any reasonable hour for the purposes of -
4.1.1	examining the condition, standard of sanitation and hygiene, and state of repair of the premises;
4.1.2	ascertaining whether any of the provisions of the Act are being or have been contravened;
4.1.3	executing any work authorised to be executed or made by or under the Act;
4.1.4	generally, enforcing the provisions of the Act.
5. Dispossession of occupiers failing to vacate premises when required to do so	
5.1	The power pursuant to Section 71 of the Act, where any person, after he has been required under the Act by the Council to vacate a house or building, and the person refuses or neglects to vacate the same, to apply and to authorise a person to apply upon a complaint to be laid by him, in the form set out in Schedule 1 to the Act or to the like effect, to any justice, for the justice to issue a summons in the form set out in Schedule 2 to the Act or to the like effect calling upon the occupier of such house or building to appear at a time and place to be therein specified before a court of Summary Jurisdiction consisting of a special magistrate, sitting without any other justice or justices, which court may hear and determine the matter of the complaint in a summary way in the absence of the occupier or otherwise.

INSTRUMENT OF DELEGATION UNDER THE HOUSING IMPROVEMENT ACT 1940**SCHEDULE OF CONDITIONS****CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
	NIL

APPENDIX 4

INSTRUMENT OF DELEGATION UNDER THE SAFE DRINKING WATER ACT 2011

NOTES

1. **Conditions or Limitations:** conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED BY THE COUNCIL IN THIS INSTRUMENT TO THE EASTERN HEALTH AUTHORITY

5. Drinking water providers to be registered
(2) The power pursuant to Section 5(2)(a) and (b) of the Safe Drinking Water Act 2011 (the Act) and in accordance with Section 5(3) of the Act to make an application for registration of the Council under the Act to the Minister and in a manner and form determined by the Minister.
8. Conditions of registration
(3) The power pursuant to Section 8(3) of the Act where the Council holds a registration, to make application to the Minister in a manner and form determined by the Minister, requesting the variation of a condition to which the registration is subject.
9. Suspension of registration
(5) The power pursuant to Section 9(5) of the Act after the Council or the Eastern Health Authority (EHA) has received notice from the Minister, lodge with the Minister a written objection (setting out the grounds of objection).
(6) The power pursuant to Section 9(5) of the Act to make submissions to the Minister in relation to the matter.
(10) The power pursuant to Section 9(10) of the Act where the Council's registration has been suspended to make application to the Minister for the cancellation of the suspension.
10. Appeals
(1) The power pursuant to Section 10(1) of the Act and in accordance with

**INSTRUMENT OF DELEGATION UNDER THE
SAFE DRINKING WATER ACT 2011**

<p>Section 10(2) of the Act, to appeal to the District Court against:</p> <ul style="list-style-type: none"> (a) a condition imposed by the Minister in relation to a registration under Part 2 of the Act; (b) a variation of a condition of registration made by the Minister on the Minister's own initiative; or (c) a decision of the Minister to refuse to grant an application to vary a condition of registration; or (d) a decision of the Minister to suspend a registration under Part 2 of the Act. 	
<p>12. Drinking water providers to prepare, implement and review risk management plans</p>	
<p>(1) The power pursuant to Section 12(1) of the Act and in accordance with Section 13 of the Act, to:</p> <ul style="list-style-type: none"> (a) prepare a risk management plan in relation to the supply of drinking water to the public; and (b) keep the plan under continuous review with a view to updating and improving it; and (c) revise any aspect of the plan that is found, on review, to need revision. 	
<p>(3) The power pursuant to Section 12(3) of the Act, if a standard risk management plan is in place under Section 12(2) of the Act and the Council falls within the specified class to which the standard risk management plan applies, to, subject to any requirement published by the Chief Executive in connection with the risk management plan and in a manner and form determined by the Chief Executive, adopt the standard risk management plan rather than preparing a separate plan under Section 12(1)(a) of the Act.</p>	
<p>14. Related matters</p>	
<p>(2) The power pursuant to Section 14(2) of the Act, to furnish to the Minister in a manner and form determined by the Minister a copy of the Council's monitoring program and incident identification and notification protocol.</p>	
<p>(3) (b) The power pursuant to Section 14(3)(b) of the Act to consult with the Minister in relation to alterations to the program or protocol (or both) submitted for the purposes of Section 14 of the Act.</p>	
<p>(4) The power pursuant to Section 14(4) of the Act and in accordance with</p>	

Section 14(5) of the Act, where the Council is required to make an alteration under Section 14(3), to appeal to the District Court against the requirement.
34. Appointment of authorised officers
(1) <i>Deliberately left blank</i>
(2) <i>Deliberately left blank</i>
35. Certificates of authority
(1) <i>Deliberately left blank</i>
(2) <i>Deliberately left blank</i>
37. Seizure orders
(3) (a) <i>Deliberately left blank</i>
(d) <i>Deliberately left blank</i>
38. Notices
(1) <i>Deliberately left blank</i>
(6) The power pursuant to Section 38(6) of the Act to, by written notice served on a person to whom a notice under Section 38 has been issued by the Council, vary or revoke the notice.
39. Action or non-compliance with a notice
(1) The power pursuant to Section 39(1) of the Act, if the requirements of a notice under Division 3 of the Act by the Council are not complied with, to take any action required by the notice.
(2) The power pursuant to Section 39(2) of the Act to authorise another person to take action under Section 39(1) of the Act on the Council's behalf.
(4) The power pursuant to Section 39(4) of the Act to recover the reasonable costs and expenses incurred by the Council in taking action under Section 39 of the Act from the person who failed to comply with the requirements of the notice as a debt in a court of competent jurisdiction.
(5) The power pursuant to Section 39(5) of the Act, if an amount is recoverable from a person by the Council under Section 39 of the Act, 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

**INSTRUMENT OF DELEGATION UNDER THE
SAFE DRINKING WATER ACT 2011**

person.
40. Action in emergency situations
(5) The power pursuant to Section 40(5) of the Act to recover the reasonable costs and expenses incurred by an authorised officer of the Council in taking action under Section 40 of the Act as a debt in a court of competent jurisdiction.
41. Specific power to require information
(1) <i>Deliberately left blank</i>
42. Appeals
(3) The power pursuant to Section 42(3) of the Act to apply for the Council to be a party to proceedings under Section 42 of the Act.
52. Annual reports by enforcement agencies
(1) The power pursuant to Section 52(1) of the Act to on or before 30 September in each year, furnish to the Minister a report on the activities of the Council under the Act during the financial year ending on the preceding 30 June.

SCHEDULE OF CONDITIONS**CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Section(s) in Act to which conditions/ limitations apply	Conditions / Limitations

APPENDIX 5

INSTRUMENT OF DELEGATION UNDER THE SOUTH AUSTRALIAN PUBLIC HEALTH ACT 2011 AND SOUTH AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013, SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013 AND SOUTH AUSTRALIAN PUBLIC HEALTH (GENERAL) REGULATIONS 2013

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED BY THE COUNCIL IN THIS INSTRUMENT TO THE EASTERN HEALTH AUTHORITY

1. Power to Require Reports
1.1 The power pursuant to Section 18(2) of the South Australian Public Health Act 2011 (the Act) to, if required by the Minister, provide a report on any matter relevant to the administration or operation of the Act.
1.2 The power pursuant to Section 18(3) of the Act to, if required by the Minister, in a case involving the Council provide a combined report with 1 or more other councils.
1.3 The power pursuant to Section 18(5) of the Act to provide the report in accordance with the requirements of the Minister.
2. Risk of Avoidable Mortality or Morbidity
2.1 The power pursuant to Section 22(2) of the Act, if the Eastern Health Authority (EHA) and/or the Council receives a request under Section 22(1) of the Act, to consider the request and then respond in accordance with Section 22(3) of the Act to the Chief Public Health Officer within a reasonable time.
2.2 The power pursuant to Section 22(3) of the Act to include in a response under Section 22(2) of the Act details about:
2.2.1 any steps already being taken by EHA and/or the Council that may be relevant in the circumstances; and

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**INSTRUMENT OF DELEGATION UNDER THE SOUTH
AUSTRALIAN PUBLIC HEALTH ACT 2011 AND SOUTH
AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013,
SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013
AND SOUTH AUSTRALIAN PUBLIC HEALTH (GENERAL) REGULATIONS 2013**

2.2.2	any plans that EHA and/or the Council may have that may be relevant in the circumstances; and
2.3	any steps that EHA and/or the Council is willing to take in the circumstances; and
2.4	any other matter relating to EHA and/or the Council that appears to be relevant.
3. Cooperation Between Councils	
3.1	The power pursuant to Section 39(1) of the Act to, in performing the Council's functions or exercising the Council's powers under the Act, act in conjunction or partnership with, or cooperate or coordinate the Council's activities with, 1 or more other councils
3.2	The power pursuant to Section 39(2) of the Act to, if requested by the Chief Public Health Officer, cooperate with 1 or more other councils.
3.3	The power pursuant to Section 39(3) of the Act to, if the Council receives a request under Section 39(2) of the Act, within 28 days after receiving the request or such longer period as the Chief Public Health Officer may specify, furnish the Chief Public Health Officer with a written report on the action that the Council intends to take in response to the request.
4. Power of Chief Public Health Officer to Act	
4.1	The power pursuant to Section 40(2) of the Act to consult with the Chief Public Health Officer.
5. Council Failing to Perform a Function Under Act	
5.1	The power pursuant to Section 41(1) of the Act to consult with the Minister in relation to the Minister's opinion that the Council has failed, in whole or in part, to perform a function conferred on the Council under the Act.
5.2	The power pursuant to Section 41(6) of the Act to:
5.2.1	make written submissions to the Minister in relation to the matter within a period specified by the Minister; and
5.2.2	request in the written submissions to the Minister that the Minister discuss the matter with a delegation representing the Council; and
5.2.3	appoint a delegation representing the Council to discuss the matter

with the Minister.	
6. Transfer of Function of Council at Request of Council	
6.1	The power pursuant to Section 42(1) of the Act to request, in accordance with Section 42(2), of the Act that a function of the Council under the Act be performed by the Chief Public Health Officer.
6.2	The power pursuant to Section 42(10) of the Act to enter into an agreement with the Minister for the Minister to recover costs and expenses associated with the Chief Public Health Officer acting under Section 42 of the Act.
6.3	The power pursuant to Section 42(11) of the Act to request that the Minister vary or revoke a notice under Section 42 of the Act.
6.4	The power pursuant to Section 42(11) of the Act to consult with the Minister in relation to the Minister varying or revoking a notice under Section 42 of the Act.
7. Local Authorised Officers	
7.1	The power pursuant to Section 44(1) of 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.
7.2	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.
7.3	The power pursuant to Section 44(4) of the Act to direct a local authorised officer.
7.4	The power pursuant to Section 44(6) of the Act to vary or revoke an appointment at any time.
7.5	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:
7.5.1	makes an appointment under Section 44 of the Act; or
7.5.2	revokes an appointment under Section 44 of the Act.
7.6	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

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**INSTRUMENT OF DELEGATION UNDER THE SOUTH
AUSTRALIAN PUBLIC HEALTH ACT 2011 AND SOUTH
AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013,
SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013
AND SOUTH AUSTRALIAN PUBLIC HEALTH (GENERAL) REGULATIONS 2013**

<p>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.</p>	
8. Identity Cards	
8.1	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:
8.1.1	containing the person's name and a photograph of the person; and
8.1.2	stating that the person is an authorised officer for the purposes of the Act; and
8.1.3	setting out the name or office of the issuing authority.
9. Specific Power to Require Information	
9.1	The power pursuant to Section 49(1) of the Act to require a person to furnish such information relating to public health as may be reasonably required for the purposes of the Act.
10. Regional Public Health Plans	
10.1	The power pursuant to Section 51(1) of the Act to in accordance with Sections 51(2), (5), (6), (8), (9), (11), (12), (13) and (15) of the Act prepare and maintain a plan or, if the Minister so determines or approves, with a group of councils, prepare and maintain a plan, for the purposes of the operations of the Council or Councils under the Act (a regional public health plan).
10.2	The power pursuant to Section 51(10) of the Act, to, subject to Section 51(11), amend a regional public health plan at any time.
10.3	The power pursuant to Section 51(11) of the Act to, in relation to any proposal to create or amend a regional public health plan:
10.3.1	prepare a draft of the proposal; and
10.3.2	when the draft plan is completed, subject to Section 51(12) of the Act:
10.3.2.1	give a copy of it to:
	(a) the Minister; and

	(b) any incorporated hospital established under the <i>Health Care Act 2008</i> that operates a facility within the region; and
	(c) any relevant public health partner authority under Section 51(23); and
	(d) any other body or group prescribed by the regulations; and
10.3.2.2 take steps to consult with the public.	
10.4	The power pursuant to Section 51(12) of the Act to, if required by the Minister, consult with the Minister, or any other person or body specified by the Minister, before the Council or EHA releases a draft plan under Section 51(11).
10.5	The power pursuant to Section 51(13) of the Act to, before bringing a regional public health plan into operation, submit the plan to the Chief Public Health Officer for consultation.
10.6	The power pursuant to Section 51(15) of the Act to take into account any comments made by the Chief Public Health Officer, SAPHC, and any other body within the ambit of a determination under Section 51(14) of the Act, at the conclusion of the consultation processes envisaged by Sections 51(13) and (14).
10.7	The power pursuant to Section 51(16) of the Act to then adopt a plan or amend a plan with or without alteration.
10.8	<i>Deliberately left blank.</i>
10.9	The power pursuant to Section 51(18) of the Act to provide in a regional public health plan, by agreement with the public health partner authority, for a public health partner authority to take responsibility for undertaking any strategy, or for attaining any priority or goal, under the plan.
10.10	The power pursuant to Section 51(19) of the Act to review a regional public health plan at least once in every 5 years.
10.11	The power pursuant to Section 51(20) of the Act to, in preparing and reviewing the Council's regional public health plan insofar as is reasonably practicable, give due consideration to the plans of other councils insofar as this may be relevant to issues or activities under the Council's plan.
10.12	The power pursuant to Section 51(21) of the Act to, when performing

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<p>functions or exercising powers under the Act or any other Action on behalf of the Council, insofar as may be relevant and reasonable, have regard to the State Public Health Plan, any regional public health plan that applies within the relevant area and any other requirement of the Minister, and in particular to give consideration to the question whether the Council or EHA should implement changes to the manner in which, or the means by which, the Council or EHA performs a function or exercises a power or undertakes any other activity that has been identified in the State Public Health Plan as requiring change.</p>	
<p>11. Reporting on Regional Public Health Plans</p>	
11.1	The power pursuant to Section 52(1) of the Act to, in relation to a regional health plan for which the Council is responsible, on a 2 yearly basis, prepare a report that contains a comprehensive assessment of the extent to which, during the reporting period, the Council has succeeded in implementing its regional public health plan to the Chief Public Health Officer in accordance with Sections 52(2), (3) and (4) of the Act.
<p>12. Action to Prevent Spread of Infection</p>	
12.1	The power pursuant to Section 66(6) of the Act to recover as a debt costs and expenses reasonably incurred in exercising powers under Section 66(5) of the Act from the person who failed to take the required action.
12.2	The power pursuant to Section 66(9) of the Act to, if the Chief Public Health Officer informs the Council of the occurrence of a disease constituting a notifiable condition, take such action as is reasonably open to EHA to assist in preventing the spread of the disease.
<p>13. Notices</p>	
13.1	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:
13.1.1	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
13.1.2	averting, eliminating or minimising a risk, or a perceived risk, to public health.
13.2	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:

13.2.1	have regard to:
13.2.1.1	the number of people affected, or potentially affected, by the breach of the duty;
13.2.1.2	the degree of harm, or potential degree of harm, to public health on account of the breach of the duty;
13.2.1.3	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 EHA thinks fit; and
13.2.2	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:
13.2.2.1	stating the proposed action, including the terms of the proposed notice and the period within which compliance with the notice will be required; and
13.2.2.2	stating the reasons for the proposed action; and
13.2.2.3	inviting the person show, within a specified time (of a reasonable period), why the proposed action should not be taken (by making representations to EHA or a person nominated to act on behalf of the Council).
13.3	The power pursuant to Section 92(2)(b)(iii) of the Act to nominate a person to act on behalf of the Council.
13.4	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:
13.4.1	issue a notice in accordance with the terms of the original proposal; or
13.4.2	issue a notice with modifications from the terms of the original proposal; or
13.4.3	determine not to proceed further under Section 92.
13.5	The power pursuant to Section 92(4) of the Act to:
13.5.1	not give notice under Section 92(2)(b) of the Act if the Delegate

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	considers that urgent or immediate action is required in the circumstances of the particular case; and
13.5.2	not give further notice before issuing a notice with modifications under Section 92(3)(b) of the Act.
13.6	The power pursuant to Section 92(5) of the Act issue a notice under Section 92 of the Act:
13.6.1	in the form of a written notice served on the person to whom it is issued; and
13.6.2	specifying the person to whom it is issued (whether by name or by a description sufficient to identify the person); and
13.6.3	directing 2 or more persons to do something specified in the notice jointly; and
13.6.4	without limiting any other provision, in the case of a notice that relates to the condition of any premises, to any person who:
13.6.4.1	is the owner or occupier of the premises; or
13.6.4.2	has the management or control of the premises; or
13.6.4.3	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
13.6.5	stating the purpose for which the notice is issued and giving notice of the requirement or the risk to which it relates; and
13.6.6	imposing any requirement reasonably required for the purpose for which the notice is issued including 1 or more of the following:
13.6.6.1	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;
13.6.6.2	a requirement that the person not carry on a specified activity except at specified times or subject to specified conditions;
13.6.6.3	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;
13.6.6.4	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;
13.6.6.5	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;
13.6.6.6	a requirement that the person undertake specified tests or monitoring;
13.6.6.7	a requirement that the person furnish to a relevant authority specified results or reports;
13.6.6.8	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;
13.6.6.9	a requirement prescribed under or for the purposes of the regulations; and
13.6.7	stating that the person may, within 14 days, apply for a review of the notice or institute an appeal against the notice under the provisions of the Act.
13.7	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 EHA or the Council, vary or revoke the notice.
13.8	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 EHA issues a notice under Section 92 of the Act.
14. Action on Non-compliance with Notice	
14.1	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.
14.2	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

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the Act.	
14.3	The power pursuant to Section 93(4) of the Act to recover the reasonable costs and expenses incurred by EHA or 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.
14.4	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.
15. Action in Emergency Situations	
15.1	The power pursuant to Section 94(5) of the Act to recover the reasonable costs and expenses incurred by a local authorised officer in taking action under Section 94 from any person who caused the risk to which the action relates, as a debt.
16. Reviews – Notices Relating to General Duty	
16.1	The power pursuant to Section 95(13) of the Act to appear in proceedings before the Review Panel as a representative of the Council.
16.2	The power pursuant to Section 95(15) of the Act to make an application to the Review Panel to:
16.2.1	dismiss or determine any proceedings that appear:
16.2.1.1	to be frivolous or vexatious; or
16.2.1.2	to have been instituted for the purpose of delay or obstruction, or for some other improper purpose;
16.2.2	bring any proceedings to an end that appear:
16.2.2.1	to be more appropriate suited to proceedings before the District Court rather than the Review Panel; or
16.2.2.2	to be unable to be satisfactorily resolved (or resolved within a reasonable period) by proceedings before the Review Panel; or
16.2.3	bring any proceedings to an end for any other reasonable cause.

17. Appeals

- 17.1 The power pursuant to Section 96(3) of the Act and subject to Section 96(4) of the Act, appeal to the District Court against the outcome of review proceedings under Division 3, Part 12 of the Act.

**SOUTH AUSTRALIAN PUBLIC HEALTH
(LEGIONELLA) REGULATIONS 2013**

18. Duty to Register High Risk Manufactured Water System

- 18.1 The power pursuant to Regulation 5(3) of the South Australian Public Health (Legionella) Regulations 2013 (**the Legionella Regulations**) to, on application made in a manner and form approved by the Council or EHA and payment of the registration fee specified in Schedule 1 to the Council or EHA, register the high risk manufactured water system to which the application relates.
- 18.2 The power pursuant to Regulation 5(6) of the Legionella Regulations, to, on application made in a manner and form approved by the Council or EHA and payment of the renewal fee specified in Schedule 1 to the Council or EHA, renew the registration of the high risk manufactured water system to which the application relates.

19. Register of High Risk Manufactured Water Systems

- 19.1 The power pursuant to Regulation 6(2) of the Legionella Regulations and subject to Regulation 6(3) of the Legionella Regulations to determine the manner and form of a register of high risk manufactured water systems registered by EHA and/or the Council.
- 19.2 The power pursuant to Regulation 6(3) of the Legionella Regulations to include in relation to each high risk manufactured water system on the register:
- 19.2.1 the type of water system; and
- 19.2.2 the address of the premises on which the water system is installed; and
- 19.2.3 the location of the water system on the premises; and
- 19.2.4 the full name and residential and business addresses of the owner

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of the premises; and	
19.2.5	the full name, residential and business addresses, and residential and business telephone numbers, of the person nominated by the owner of the premises as being responsible for the operation and maintenance of the water system,
and such other information as EHA thinks fit.	
19.3	The power pursuant to Regulation 15(2) of the Legionella Regulations to, at least once in every 12 months, give the owner of each of the premises on which a high risk manufactured water system registered with EHA and/or the Council is installed, written notice:
19.3.1 requiring the owner, within the period specified in the notice:	
19.3.1.1 to cause an inspection of the water system to be carried out by a competent person (not being the owner or person responsible for the operation and maintenance of the system); and	
19.3.1.2 to arrange for a NATA accredited laboratory to conduct microbiological testing, in accordance with AS/NZS 3896:	
(a) of at least 1 sample of water taken from a cooling water system; and	
(b) of at least 2 samples of water taken from a warm water system,	
to determine the presence and number of colony forming units of Legionella in the water; and	
19.4	requiring the owner to submit to the Council or EHA written reports setting out the findings of the inspection and the results of the microbiological testing within 1 month of receiving the reports.
20. Power of Council to Require Microbiological Testing in Other Circumstances	
20.1	The power pursuant to Regulation 16(1) of the Legionella Regulations, if:
20.1.1 the Council or EHA is investigating the occurrence of Legionellosis in the near vicinity of premises on which a high risk manufactured water system is installed; or	

<p>20.1.2 the Council or EHA has reason to believe that a high risk manufactured water system installed on premises situated in its area is not being maintained as required by these regulations,</p> <p>to give the owner of the premises written notice:</p> <p>20.1.3 requiring the owner (either immediately or within a period specified in the notice) to arrange for a NATA accredited laboratory to conduct microbiological testing, in accordance with AS/NZS 3896, of water taken from the system, to determine the presence and number of colony forming units of Legionella in the water; and</p> <p>20.1.4 requiring the owner to submit to EHA or the Council a written report setting out the results of the microbiological testing within 24 hours of receiving the report.</p>
21. Fees
<p>21.1 The power pursuant to Regulation 21(3) of the Legionella Regulations, if a person is liable to pay a fee to EHA or the Council, to give the person written notice requiring the person to pay the fee within the period specified in the notice.</p> <p>21.2 The power pursuant to Regulation 21(4) of the Legionella Regulations, to reduce or remit a fee payable to EHA or the Council under the Legionella Regulations if satisfied that it is appropriate to do so in a particular case.</p> <p>21.3 The power pursuant to Regulation 21(5) of the Legionella Regulations, to recover a fee payable to EHA or the Council under the Legionella Regulations by action in a court of competent jurisdiction as a debt due to the Council.</p>

SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013

22. Relevant Authority
<p>22.1 The power pursuant to Regulation 6(1)(b) of the South Australian Public Health (Wastewater) Regulations 2013 (the Wastewater Regulations) to, agree to act as the relevant authority for a matter relating to an on-site wastewater system with a capacity that does not, or will not, on completion of wastewater works, exceed 40 EP and that is located or to be located in another council area if the system is to be operated by another council or wastewater works related to the system are to be undertaken by another</p>

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council, or by a person acting in partnership, or in conjunction with that other council.	
23. Public Notification of Proposed Community Wastewater Management System	
23.1 <i>Deliberately left blank.</i>	
24. Connection to Community Wastewater Management System	
24.1 <i>Deliberately left blank.</i>	
24.1.1 <i>Deliberately left blank.</i>	
24.1.2 <i>Deliberately left blank.</i>	
24.1.2.1 <i>Deliberately left blank.</i>	
24.1.2.2 <i>Deliberately left blank.</i>	
24.2 <i>Deliberately left blank.</i>	
24.3 <i>Deliberately left blank.</i>	
24.4 <i>Deliberately left blank.</i>	
24.5 <i>Deliberately left blank.</i>	
25. Exemptions	
25.1 The power pursuant to Regulation 10(3) of the Wastewater Regulations to give an exemption by written notice and subject to conditions determined by EHA and stated in the notice.	
25.2 The power pursuant to Regulation 10(4) of the Wastewater Regulations to vary or revoke an exemption by further written notice to the holder of the exemption.	
26. Exemptions From Prescribed Codes	
26.1 The power pursuant to Regulation 15(3) of the Wastewater Regulations to give an exemption by written notice and is subject to conditions determined by EHA and stated in the notice.	
26.2 The power pursuant to Regulation 15(5) of the Wastewater Regulations to vary or revoke an exemption by further written notice to the holder of the	

exemption.	
27. Application	
27.1	The power pursuant to Regulation 23(2) of the Wastewater Regulations to, by written notice, ask the applicant to provide EHA or the Council with further technical specifications, information or documents relevant to the application or to modify the technical specifications submitted for approval.
28. Determination of Application	
28.1	The power pursuant to Regulation 24(1) of the Wastewater Regulations to refuse to grant a wastewater works approval:
28.1.1	if the applicant fails to satisfy EHA of either or both of the following:
28.1.1.1	that the technical specifications for the wastewater works comply with the prescribed codes;
28.1.1.2	that the wastewater works will not, if undertaken in accordance with the conditions of approval, adversely affect or threaten public or environmental health; or
28.1.2	for any other sufficient reason.
28.2	The power pursuant to Regulation 24(2) of the Wastewater Regulations, if an application for a wastewater works approval relates to the connection of a community wastewater management system to SA Water sewerage infrastructure or a significant increase in the amount of wastewater to be discharged from a community wastewater management system to SA Water sewerage infrastructure, to give SA Water a reasonable opportunity to comment on the application and take into account any comments so made.
29. Conditions of Approval	
29.1	The power pursuant to Regulation 25(2) of the Wastewater Regulations to impose:
29.1.1	any 1 or more of the following prescribed expiable conditions:
29.1.1.1	a condition that sets out mandatory notification stages during the progress of wastewater works when a person is required to notify EHA and/or the Council in a specified manner and stop the work pending an

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	inspection carried out at the person's expense;
29.1.1.2	a condition that requires the display of specified notices on the premises on which the wastewater system is located;
29.1.1.3	a condition that requires a person to monitor the performance of the wastewater system in a specified manner (including by inspections carried out at specified times at the person's expense) and to provide EHA and/or the Council with specified information in a specified manner and at specified times;
29.1.1.4	a condition that provides that specified material must not, or that only specified material may, be discharged into, or from, the wastewater system;
29.1.1.5	a condition that requires the wastewater system to be operated, maintained or serviced by a person of a specified class;
29.1.1.6	a condition that requires records of a specified kind to be created, maintained, and provided to EHA and/or Council; or
29.1.2	any other conditions including any 1 or more of the following:
29.1.2.1	a condition that requires decommissioning of the wastewater system:
(a)	after a specified trial period; or
(b)	in specified circumstances; or
(c)	on written notice to the operator of the system;
29.1.2.2	a condition that requires a wastewater system to be connected to a community wastewater management system;
29.1.2.3	a condition that prevents activities that would adversely affect the operation or maintenance of a drain or treatment or disposal system or the reuse of wastewater from the wastewater system;
29.1.2.4	a condition that requires a wastewater system to have

	various access points for maintenance or inspection (raised to or terminating at surface level, or as required by EHA or the Council);
29.1.2.5	a condition that provides that a wastewater system must not be used unless or until it has been inspected or tested by an independent wastewater engineer and the Council EHA supplied with a certificate given by that expert certifying that the wastewater works have been undertaken in accordance with the approved technical specifications;
29.1.2.6	a condition that otherwise specifies requirements relating to: <ul style="list-style-type: none"> (a) the installation of the wastewater system; or (b) the decommissioning of the wastewater system; or (c) the connection of the wastewater system to a community wastewater management system or SA Water sewerage infrastructure or the disconnection of the wastewater system from a community wastewater management system or from SA Water sewerage infrastructure; or (d) the operation, servicing and maintenance of the wastewater system; or (e) the reuse or disposal of wastewater from the wastewater system.
29.2	The power pursuant to Regulation 25(3) of the Wastewater Regulations to impose a condition of approval that: <ul style="list-style-type: none"> 29.2.1 provides that a matter or thing is to be determined according to the discretion of the Council, EHA, or some other specified person or body; and 29.2.2 operates by reference to the manuals referred to in a product approval for the wastewater system; and 29.2.3 operates by reference to a specified code as in force at a specified time or as in force from time to time.
29.3	The power pursuant to Regulation 25(6) of the Wastewater Regulations to,

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<p>on application and payment of the fee fixed by Schedule 1, by written notice to the applicant, vary or revoke a condition of a wastewater works approval.</p>	
29.4	The power pursuant to Regulation 25(7) of the Wastewater Regulations to, on EHA's own initiative, by written notice to the operator of a wastewater system to which a wastewater works approval applies, vary or revoke a condition of the approval or impose a further condition, provided that the variation, revocation or imposition does not take effect until at least 6 months after the giving of the notice unless:
29.4.1	the operator consents; or
29.4.2	EHA states in the notice that, in his/her opinion, the variation, revocation or imposition is necessary in order to prevent or mitigate significant harm to public or environmental health or the risk of such harm.
<p>30. Expiry of Approval</p>	
30.1	The power pursuant to Regulation 26(2) of the Wastewater Regulations to, on application and payment of the fee fixed by Schedule 1, postpone the expiry of a wastewater works approval for a specified period.
<p>31. Registers of Wastewater Works Approvals</p>	
31.1	The power pursuant to Regulation 27(3) of the Wastewater Regulations, to extend the registers to include wastewater works approvals granted under the revoked regulations.
31.2	The power pursuant to Regulation 27(6) of the Wastewater Regulations to include in the registers other information considered appropriate by the EHA.
<p>32. Requirement to Obtain Expert Report</p>	
32.1	The power pursuant to Regulation 29(1) of the Wastewater Regulations, if EHA suspects on reasonable grounds that a wastewater system is adversely affecting or threatening public or environmental health, to give the operator of the system a written notice requiring the operator to obtain and provide to EHA and/or the Council a written report from an independent wastewater engineer within a specified period addressing specified matters.
32.2	The power pursuant to Regulation 29(3) of the Wastewater Regulations, if the requirements of a notice under Regulation 29 of the Wastewater Regulations are not complied with to obtain the required report and recover the costs and expenses reasonable incurred in doing so from the person

	who failed to comply with the notice, as a debt.
32.3	The power pursuant to Regulation 29(3) of the Wastewater Regulations, to authorise a person to enter land at any reasonable time for the purposes of the report.
33. Fees	
33.1	The power pursuant to Regulation 33(1) of the Wastewater Regulations, to refund, reduce or remit payment of a fee payable under the Wastewater Regulations if EHA considers that appropriate in the circumstances.
33.2	The power pursuant to Regulation 33(2) of the Wastewater Regulations, to recover a fee payable to the Council by action in a court of competent jurisdiction as a debt due to the Council.

**SOUTH AUSTRALIAN PUBLIC HEALTH (GENERAL)
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34. Non-compliance with Notices (Section 93(6) of Act)	
34.1	The power pursuant to Regulation 5B(2) of the South Australian Public Health (General) Regulations 2013 (the General Regulations), for the purposes of the creation of a charge on land under Section 93 of the Act, to deliver to the Registrar-General a notice, in a form determined by the Minister on the recommendation or with the approval of the Registrar-General:
34.1.1	setting out the amount recoverable under Section 93 of the Act; and
34.1.2	setting out the land in relation to which the relevant action was taken; and
34.1.3	requesting the Registrar-General to make a notation under Regulation 5B of the General Regulations in relation to the relevant land.
34.2	The power pursuant to Regulation 5B(8) of the General Regulations, if or when the amount to which the charge relates is paid, to by further notice in writing to the Registrar-General (being a notice in a form determined by the Minister on the recommendation or with the approval of the Registrar-General) cancel the charge.

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SCHEDULE OF CONDITIONS

**CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
3	The powers delegated at paragraphs 3.1-3.3 of this instrument can only be exercised after EHA has received consent from the Chief Executive Officer of the Council to exercise those powers on a case-by-case basis.
5.2	The powers delegated at paragraph 5.2 of this instrument can only be exercised after EHA has received consent from the Chief Executive Officer of the Council to exercise those powers on a case-by-case basis.
6	The powers delegated at paragraphs 6.1-6.4 of this instrument can only be exercised after EHA has received consent from the Chief Executive Officer of the Council to exercise those powers on a case-by-case basis.

APPENDIX 6

**INSTRUMENT OF DELEGATION UNDER THE
SUPPORTED RESIDENTIAL FACILITIES ACT 1992 AND THE
SUPPORTED RESIDENTIAL FACILITIES REGULATIONS 2009**

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

**POWERS AND FUNCTIONS DELEGATED BY THE COUNCIL IN THIS
INSTRUMENT TO THE EASTERN HEALTH AUTHORITY**

1. Appointment of Authorised Officers
1.1 The power pursuant to Section 21(1) of the Supported Residential Facilities Act 1992 ("the Act") to appoint a person to be an authorised officer under the Act;
1.2 The duty pursuant to Section 21(2) of the Act to issue to an authorised officer an identity card; and
1.3 The power pursuant to Section 21(4) of the Act by notice in writing served on an authorised officer, to revoke the appointment as an authorised officer.
2. Application for a Licence
2.1 The power pursuant to Section 24(3) of the Act by notice in writing not later than two months after a licence application has been made, to require the applicant to furnish specified information;
2.2 The power pursuant to Section 24(5) of the Act to require any information included in an application or required by a notice to be verified by statutory declaration;
2.3 The power pursuant to Section 24(9) of the Act subject to such conditions as Eastern Health Authority (EHA) thinks fit, to conditionally approve the issue of a licence in respect of proposed premises and the duty where satisfied that the premises have been established in substantial compliance with those conditions (and within such a period, if

**INSTRUMENT OF DELEGATION UNDER THE SUPPORTED RESIDENTIAL FACILITIES ACT 1992
AND SUPPORTED RESIDENTIAL FACILITIES REGULATIONS 2009**

any as EHA may have determined), to grant a licence; and	
2.4	Where an application for a licence is refused, the duty pursuant to Section 24(10) of the Act notify the applicant in writing of the refusal, the reasons for the refusal, and any appeal rights that the applicant has under the Act.
2.5	The duty, pursuant to Section 25(1) of the Act in considering an application for a licence in respect of the use of premises as a supported residential facility, to take into account those matters specified in this Section and such other matters as EHA thinks fit;
2.6	The duty pursuant to Section 25(2) of the Act in determining whether or not an applicant is suitable to be granted a licence, to have regard to those matters specified in this Section and to such other matters as EHA thinks fit;
2.7	The duty pursuant to Section 25(3) of the Act in determining whether or not premises are suitable to be used as a supported residential facility, to have regard to those matters specified in Section 25(3) of the Act and to such other matters as EHA thinks fit;
2.8	The duty pursuant to Section 25(4) of the Act not to grant a licence where it appears that the facility would not be administered in accordance with the principles prescribed in Part 2 of the Act.
3. Renewal of Licence	
3.1	The power pursuant to Section 27(3) of the Act at EHA's discretion, to determine a late application for renewal provided that the applicant pays the prescribed late application fee;
3.2	The duty pursuant to Section 27(4) of the Act by notice in writing served on the applicant, to give a decision on an application for the renewal of a licence before the date of expiry of the licence and where EHA decides to refuse an application for renewal of a licence, the duty to state in the notice of refusal the reasons for the refusal and the appeal rights that the applicant may have under the Act.
3.3	The power pursuant to Section 28 of the Act to refuse to renew a licence on any ground on which a licence may be cancelled.
4. Licence Conditions	
4.1	The power pursuant to Section 29(2) of the Act to impose licence conditions with respect to such matters as are contemplated by the Act or as EHA considers necessary or expedient for the purposes of the Act;
4.2	Pursuant to Section 29(3) of the Act where conditions are imposed by

EHA:
4.2.1 if imposed at the time of grant or renewal of the licence – the duty to include them in the licence itself;
4.2.2 if imposed during the currency of the licence – the duty to impose them by notice in writing served on the holder of the licence;
4.2.3 the power to vary or revoke conditions at any time by notice in writing served on the holder of the licence;
4.3 Deliberately left blank.
5. Transfer of Licence
5.1 The duty pursuant to Section 30(4) of the Act, upon due application under Section 30 of the Act and payment of the prescribed fee, to transfer the licence to the proposed transferee if satisfied that the proposed transferee would be a suitable person to be granted a licence under the Act.
6. Cancellation of Licence
6.1 The power pursuant to Section 31(1) of the Act, to cancel a licence, on reasonable grounds, where satisfied that any of the matters specified in this Section are applicable;
6.2 The duty pursuant to Section 31(2) of the Act before acting under this Section, to notify the holder of the licence in writing of the proposed cancellation of the licence and allow the holder of the licence at least 28 days within which to make submissions in relation to the proposed action;
6.3 The power pursuant to Section 31(3) of the Act pending the cancellation (or possible cancellation) of a licence under this Section, to impose conditions to protect the interests of the residents of the facility; and
6.4 The power pursuant to Section 31(4) of the Act, to appoint an administrator of the facility and to take such other steps as may be reasonable to secure the proper care of the residents of the facility.
7. Appeals
7.1 The power pursuant to Section 32(5) of the Act where EHA is satisfied that an applicant for renewal of a licence has instituted or intends to institute an appeal, to order that the licence remain in force until the determination of the appeal; and to impose such conditions as EHA thinks fit.

**INSTRUMENT OF DELEGATION UNDER THE SUPPORTED RESIDENTIAL FACILITIES ACT 1992
AND SUPPORTED RESIDENTIAL FACILITIES REGULATIONS 2009**

7.2	The power pursuant to Section 32(7) of the Act if a person contravenes, or fails to comply with, a condition imposed under Section 32(5) of the Act to revoke any order to which the condition relates.
7.3	The duty pursuant to Section 33(1) of the Act, and subject to Section 33(2), where application is made for a licence in respect of a facility that was in operation during the period of three (3) months immediately preceding the commencement of the Section, to upon payment of the prescribed fee, grant a licence in accordance with the Act for a term of one year.
8. Appointment of Manager	
8.1	The power pursuant to Section 34(1) of the Act where the proprietor of a facility is not directly involved in the management of the facility or the proprietor of a facility is a body corporate, to approve a natural person for the purpose of managing the facility under that person's personal supervision.
8.2	The power pursuant to Section 34(2) of the Act to extend the period of management without supervision.
9. Death of Licensee	
9.1	The power pursuant to Section 35 of the Act, where the holder of a licence dies, to approve the personal representative or some other person to be taken to be the holder of the licence (on the same conditions as applicable to the former holder of the licence) as from the date of death until the expiration of six months from that date or until such later date as may be fixed by EHA.
10. Revision of Resident Contract by Proprietor	
10.1	The power pursuant to Section 39(2)(b) of the Act to approve the method of providing a termination notice subject to this Section.
11. Disputes	
11.1	The power pursuant to Section 43(2) of the Act on an application made in relation to any of the matters specified in Section 43(1) of the Act, to explore any possible avenue of achieving conciliation between the parties and for these purposes, EHA, may as it thinks fit, take any action in accordance with Section 43(3) of the Act;
11.2	The power pursuant to Section 43(6) of the Act, to require an applicant, to furnish such further information in relation to the subject matter of the application as EHA thinks necessary, and to verify any information by statutory declaration;

11.3	The duty pursuant to Section 43(7) of the Act to give the applicant and the respondent reasonable notice of the time and place of any hearing of the application;
11.4	The power pursuant to Section 43(9) of the Act where satisfied that an interim order is justified by the urgent circumstances of the case, to make an interim order pending final resolution of the matter.
11.5	The power pursuant to Section 43(11) of the Act to vary or revoke an order made under Section 43 of the Act;
11.6	The power, pursuant to Section 43(12) of the Act -
11.6.1	to decline to proceed with an application under this Section until satisfied that reasonable steps have been taken to resolve the dispute pursuant to other procedures specified by EHA;
11.6.2	to decline to proceed with an application under this Section if EHA considers that it would be more appropriate for proceedings to be taken in a court or tribunal constituted by law; or
11.6.3	to decline to proceed (or further proceed) with an application under this Section if proceedings related to the subject matter of the application have been commenced in a court or tribunal constituted by law; and
11.7	The duty pursuant to Section 43(13) of the Act in determining any application under this Section, to act with as much expedition as is reasonably practicable in the circumstances.
12.	Attendance by Health Service Providers etc.
12.1	The power pursuant to Section 47(1) of the Act to approve a health service provider, social worker, or any person, for the purposes of Section 47.
13.	Complaints
13.1	The power pursuant to Section 49(1) of the Act to receive a complaint about the management of a supported residential facility or any residential-only premises or about the conduct of a resident of a supported residential facility or any residential-only premises.
13.2	The power pursuant to Section 49(2) of the Act to require a complaint to be reduced to writing.
13.3	The power pursuant to Section 49(3) of the Act to take such action as EHA thinks fit in view of the complaint.

**INSTRUMENT OF DELEGATION UNDER THE SUPPORTED RESIDENTIAL FACILITIES ACT 1992
AND SUPPORTED RESIDENTIAL FACILITIES REGULATIONS 2009**

- 13.4 The power pursuant to Section 49(4) of the Act to appoint an authorised officer to carry out an investigation into the circumstances surrounding the complaint and to attempt to resolve the matter as expeditiously as possible.

14. Regulations

- 14.1 Pursuant to Sections 57(5) and (6) of the Act where the proprietor of a facility who holds a licence under the Act applies to EHA for an exemption from a regulation that applies to the facility and EHA is satisfied -

- 14.1.1 that EHA can grant the exemption without seriously affecting the interests of a resident of the facility; and

- 14.1.2 that it is appropriate for EHA to grant the exemption in the circumstances of the particular case,

the power to, by notice in writing to the proprietor, exempt the proprietor from the regulation to which the application relates, on such conditions as EHA thinks fit.

- 14.2 The power pursuant to Section 57(7) of the Act, to, at any time, by further notice to the proprietor:

- 14.2.1 revoke an exemption under Section 57(5);

- 14.2.2 vary or revoke a condition under Section 57(6).

**DELEGATIONS UNDER THE SUPPORTED RESIDENTIAL FACILITIES
REGULATIONS 2009**

15. The duty pursuant to Regulation 4(1) of the Supported Residential Facilities Regulations 2009 ("the Regulations") to decide an application for a licence under Section 24 of the Act within eight weeks of the application being made.
16. The duty pursuant to Regulation 4(2) of the Regulations, in considering an application for a licence in respect of the use of premises (or proposed premises) as a supported residential facility, to take into account the extent to which the premises (or proposed premises) accord with the standards prescribed by or under the Building Code of Australia.
17. The power pursuant to Regulation 5(2) of the Regulations to receive a copy of a prospectus, or a copy of an alteration to a prospectus, and a copy of the written statement required to accompany the prospectus or alteration to the prospectus

<p>pursuant to Regulation 5(2)(b) of the Regulations.</p>
<p>18. The power pursuant to Regulation 14(1)(b) of the Regulations to receive information of any untoward medical event that occurs in relation to a resident of a facility.</p>
<p>19. The power pursuant to Regulation 17(2) of the Regulations to approve an acting manager for the purpose of appointment to or otherwise assuming the duties of the office of manager of a facility if, for a period exceeding seven days, a manager is absent from the duties of office, or the position of manager is temporarily vacant and a resident of the facility is in need of personal care services.</p>
<p>20. The power pursuant to Regulation 18(1) of the Regulations to approve a registered nurse as being a person who has appropriate qualifications, skills and experience to oversee the provision of nursing care at a facility.</p>
<p>21. The power pursuant to Regulation 18(2) of the Regulations, if there is a change in the type or level of services provided at a nursing home, to revoke, by notice in writing to the proprietor, an approval under Regulation 18(1) of the Regulations and require that a new appointment be made to ensure that the person who oversees the provision of nursing care at the facility has the qualifications, skills and experience appropriate to the facility.</p>
<p>22. The power pursuant to Regulation 21(1)(b) of the Regulations to approve a kitchen at a facility otherwise than in accordance with the requirements of Regulation 21(1)(b) of the Regulations.</p>
<p>23. The power pursuant to Regulation 21(3)(e) of the Regulations to require the fitting of handrails, ramps and, for a multi-storey building, lifts.</p>
<p>24. The power pursuant to Regulation 24(1) of the Regulations to direct the proprietor of a facility to install a communication system at the facility.</p>
<p>25. The duty pursuant to Regulation 26(2) of the Regulations to remit amounts payable to the indemnity fund under Section 56(4) of the Act to the fund manager within 28 days after the end of the financial year in which they are received by EHA.</p>

**INSTRUMENT OF DELEGATION UNDER THE SUPPORTED RESIDENTIAL FACILITIES ACT 1992
AND SUPPORTED RESIDENTIAL FACILITIES REGULATIONS 2009**

SCHEDULE OF CONDITIONS

**CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
	NIL

11.7E Review of Delegations to the Eastern Health Authority

TRIM Reference: B34

1. That having conducted its annual review of the Council's Delegations to EHA (Eastern Health Authority) in accordance with Section 44(6) of the Local Government Act 1999, the Council:

Revocations

- 1.1 Hereby revokes its previous delegations to EHA of those powers and functions under the following:
 - 1.1.1 Environment Protection Act 1993
 - 1.1.2 Expiation of Offences Act 1996
 - 1.1.3 Housing Improvement Act 1940
 - 1.1.4 Local Government Act 1999
 - 1.1.5 South Australian Public Health Act 2011 along with the South Australian Public Health (Legionella) Regulations 2013 and the South Australian Public Health (Wastewater) Regulations 2013
 - 1.1.6 Supported Residential Facilities Act 1992
 - 1.1.7 Safe Drinking Water Act 2011

with effect from 31 August 2016.

2. Delegations made under Local Government Act 1999

- 2.1 In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the following Acts and specified in the proposed Instruments of Delegation contained in Appendices 1-5 of the Report dated 2 August 2016 and entitled Review of Delegations to EHA (each of which is individually identified as indicated below) are hereby delegated this 2nd day of August 2016 to EHA with effect from 31 August 2016 subject to the conditions and or limitations specified herein or in the Schedule of Conditions in each such proposed Instrument of Delegation.

- 2.1.1 Environment Protection Act 1993 (Appendix 1)
- 2.1.2 Expiation of Offences Act 1996 (Appendix 2)
- 2.1.3 Housing Improvement Act 1940 (Appendix 3)
- 2.1.4 Safe Drinking Water Act 2011 (Appendix 4)

- 2.1.5 South Australian Public Health Act 2011 along with the South Australian Public Health (Legionella) Regulations 2013, South Australian Public Health (Wastewater) Regulations 2013 and the South Australian Public Health (General) Regulations 2013 (Appendix 5).
- 2.2 Such powers and functions may be further delegated by EHA in accordance with Section 44 of the Local Government Act 1999 as EHA sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegation.
3. **Delegations under Supported Residential Facilities Act 1992**
- 3.1 In exercise of the power contained in Section 9 of the Supported Residential Facilities Act 1992, the powers and functions under the Supported Residential Facilities Act 1992 and the Supported Residential Facilities Regulations 2009 specified in the proposed Instrument of Delegation contained in Appendix 6 to the Report dated 2 August 2016 and entitled Review of Delegations to EHA are hereby delegated this 2nd day of August 2016 to EHA with effect from 31 August 2016 subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Supported Residential Facilities Act 1992.
- 3.2 Such powers and functions may be further delegated by EHA as EHA sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Supported Residential Facilities Act 1992.
4. **Enforcement Agency under the Food Act 2001**
- 4.1 The Council acknowledges that:
- 4.1.1 EHA has been established as a regulatory subsidiary and is thereby prescribed, pursuant to Section 4 of the Food Act 2001 and in accordance with Regulation 4(1) of the Food Regulations 2002, as an enforcement agency for the purposes of the Food Act 2001, and
- 4.1.2 EHA is completely responsible for the operation and enforcement of the Food Act 2001 within the area of Campbelltown City Council
- 4.1.3 the Chief Executive Officer of EHA, as the person designated by the Constituent Councils of EHA as the principal officer of EHA, is, pursuant to Regulation 5 of the Food Regulations 2002, prescribed as the head of an enforcement agency for the purposes of the Food Act 2001.

5. Prosecutions

- 5.1 In exercise of the powers contained in Section 44 of the Local Government Act 1999 the Council delegates this 2nd day of August 2016 the powers under Sections 6 and 36(1) of the Local Government Act 1999 to EHA to commence a prosecution for a breach of the Housing Improvement Act 1940, the South Australian Public Health Act 2011, the South Australian Public Health (General) Regulations 2013, the South Australian Public Health (Legionella) Regulations 2013, and the South Australian Public Health (Wastewater) Regulations 2013 where those instruments empower the Council to commence prosecution for a breach and to do anything necessary, expedient or incidental to performing or discharging the Council's power with effect from 31 August 2016, and such power may be further delegated by EHA as EHA sees fit.
- 5.2 In exercise of the powers contained in Section 9(2) of the Supported Residential Facilities Act 1992 and Section 44 of the Local Government Act 1999 the Council delegates this 2nd day of August 2016 the powers under Sections 6 and 36(1) of the Local Government Act 1999 and Section 9(1) of the Supported Residential Facilities Act 1992 to EHA to commence a prosecution for a breach of the Supported Residential Facilities Act 1992 and/or the Supported Residential Facilities Regulations 2009 where those instruments empower the Council to commence prosecution for a breach and to do anything necessary, expedient or incidental to performing or discharging the Council's power with effect from 31 August 2016, and such power may be further delegated by EHA as EHA sees fit.

11.7F Update to The ARC Campbelltown Fees and Charges

TRIM Reference: B3210

Cr Grigg moved and Cr Leombruno seconded that:

1. Council adopt the updates to the 2016/2017 Fees and Charges Schedule, as attached to the Agenda, for The ARC Campbelltown
2. the Chief Executive Officer be delegated the authority to alter The ARC Campbelltown fees and charges as required.

The time being 10.00 pm Cr Ryan left the meeting.

With the consent of the Seconder and the Council the Motion was altered to reflect the following:

that:

1. Council adopt the updates to the 2016/2017 Fees and Charges Schedule, as attached to the Agenda, for The ARC Campbelltown
2. the Chief Executive Officer be delegated the authority to alter The ARC Campbelltown fees and charges as required until 30 June 2017.

The time being 10.06 pm Cr Ryan re-entered the meeting.

Carried

File Number: S/00046
 Enquiries To: Lisa Mara
 Direct Telephone: 8366 4549

RECEIVED
17 AUG 2016



BY:

9 August 2016

Mr Michael Livori
 Chief Executive Officer
 Eastern Health Authority Inc
 PO Box 275
 STEPNEY SA 5069

**City of
 Norwood
 Payneham
 & St Peters**

Dear Michael

DELEGATIONS TO THE EASTERN HEALTH AUTHORITY INCORPORATED (THE AUTHORITY)

At its meeting held on 1 August 2016, the Council undertook its annual review of Delegations to the Eastern Health Authority Incorporated, as required by the Local Government Act 1999.

I am pleased to enclose a copy of the *City of Norwood Payneham & St Peters 2016 Schedule of Delegations to the Eastern Health Authority Incorporated*.

The Council also formally acknowledged the role of the Authority in relation to the administration of the Food Act 2001 and the Food Regulations 2002, which prescribe "all relevant regulatory subsidiaries" as "enforcement agencies", where a regional subsidiary has been established in connection with the operation and enforcement of the Food Act 1985 or the Food Act 2001.

A copy of the Council's resolution (extract from the Minutes of the Meeting held on 1 August 2016), is enclosed within the attached Schedule of Delegations.

If you have any questions or require additional information regarding the Delegations please contact me on 8366 4549 or via email: lmara@npsp.sa.gov.au

Yours sincerely

Lisa Mara
GENERAL MANAGER, GOVERNANCE & COMMUNITY AFFAIRS

175 The Parade
 Norwood SA 5067

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Cr Moore moved:

That, having conducted a review of the Council's Delegations to the Eastern Health Authority, in accordance with Section 44(6) of the Local Government Act 1999, the Council:

1. Revocations

1.1 *Hereby revokes its previous delegations to the Eastern Health Authority Incorporated, those powers and functions under the following:*

- 1.1.1** *Environment Protection Act 1993;*
- 1.1.2** *Expiation of Offences Act 1996;*
- 1.1.3** *Housing Improvement Act 1940;*
- 1.1.4** *Safe Drinking Water Act 2012;*
- 1.1.5** *South Australian Public Health Act 2011 along with the South Australian Public Health (Legionella) Regulations 2013 and the South Australian Public Health (Wastewater) Regulations 2013;*
- 1.1.6** *Supported Residential Facilities Act 1992; and*
- 1.1.7** *Safe Drinking Water Act 2011*

with effect from 31 August 2016.

2. Delegations under the Local Government Act 1999

2.1 *In exercise of the powers contained in Section 44 of the Local Government Act 1999, the powers and functions under the following Acts (each of which is individually identified as **Attachment A**) are hereby delegated this 1st day of August 2016, to the Eastern Health Authority, subject to the conditions and or limitations specified in the Schedule of Conditions in each such proposed Instrument of Delegation, with effect from 31 August 2016:*

- 2.1.1** *Environment Protection Act 1993;*
- 2.1.2** *Expiation of Offences Act 1996;*
- 2.1.3** *Housing Improvement Act 1940;*
- 2.1.4** *Safe Drinking Water Act 2012; and*
- 2.1.5** *South Australian Public Health Act 2011 along with the South Australian Public Health (Legionella) Regulations 2013 and the South Australian Public Health (Wastewater) Regulations 2013.*

2.2 *Such powers and functions may be further delegated by the Eastern Health Authority Incorporated, in accordance with Sections 44 of the Local Government Act 1999, to the Chief Executive Officer of the Authority and any other officer employed by the Authority, unless otherwise indicated in the Schedule of Conditions contained in each such proposed Instrument of Delegation.*

3. Delegations under the Supported Residential Facilities Act 1992

3.1 *In exercise of the power contained in Section 9 of the Supported Residential Facilities Act 1992, the powers and functions under the Supported Residential Facilities Act 1992 and the Supported Residential Facilities Regulations 2009, (contained in the proposed Instrument of Delegation contained within **Attachment A**), are hereby delegated this 1st day of August 2016, to the Eastern Health Authority Incorporated, subject to the conditions or limitations indicated in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Supported Residential Facilities Act 1992, with effect from 31 August 2016.*

- 3.2 Such powers and functions may be further delegated by the Eastern Health Authority Incorporated, in accordance with Sections 44(6) of the Local Government Act 1999, to the Chief Executive Officer of the Authority and any other officer employed by the Authority, unless otherwise indicated in the Schedule of Conditions contained in each such proposed Instrument of Delegation.

4. Enforcement Agency under the Food Act 2001

The Council acknowledges that:

- 4.1 the Eastern Health Authority ("the Authority") has been established as a regional subsidiary and is thereby prescribed, pursuant to Section 4 of the Food Act 2001 and in accordance with Regulation 4(1) of the Food Regulations 2002, as an enforcement agency for the purposes of the Food Act 2001;
- 4.2 the Authority is completely responsible for the operation and enforcement of the Food Act 2001, within the City of Norwood Payneham & St Peters Local Government Area; and
- 4.3 the Chief Executive Officer of the Authority, as the person designated by the Constituent Councils of the Authority as the Principal Officer of the Authority, is, pursuant to Regulation 5 of the Food Regulations 2002, prescribed as the head of an enforcement agency for the purposes of the Food Act 2001.

5. Prosecutions

- 5.1 In exercise of the powers contained in Section 44 of the Local Government Act 1999 the Council delegates this 1st day of August 2016, the powers under Sections 6 and 36(1) of the Local Government Act 1999 to the Eastern Health Authority Incorporated to commence a prosecution for a breach of the Housing Improvement Act 1940, the South Australian Public Health Act 2011, the South Australian Public Health (General) Regulations 2013, the South Australian Public Health (Legionella) Regulations 2013, and the South Australian Public Health (Wastewater) Regulations 2013 where those instruments empower the Council to commence prosecution for a breach and to do anything necessary, expedient or incidental to performing or discharging the Council's power with effect from 31 August 2016, and such power may be further delegated by the Eastern Health Authority Incorporated as the Eastern Health Authority Incorporated sees fit.
- 5.2 In exercise of the powers contained in Section 9(2) of the Supported Residential Facilities Act 1992 and Section 44 of the Local Government Act 1999 the Council delegates this 1st day of August 2016 the powers under Sections 6 and 36(1) of the Local Government Act 1999 and Section 9(1) of the Supported Residential Facilities Act 1992 to the Eastern Health Authority Incorporated to commence a prosecution for a breach of the Supported Residential Facilities Act 1992 and/or the Supported Residential Facilities Regulations 2009 where the Supported Residential Facilities Act 1992 and/or the Supported Residential Facilities Regulations 2009 empowers the Council to commence prosecution for a breach and to do anything necessary, expedient or incidental to performing or discharging the Council's power with effect from 31 August 2016, and such power may be further delegated by the Eastern Health Authority Incorporated as the Eastern Health Authority Incorporated sees fit.

Seconded by Cr Duke and carried.

Schedule of Delegations | to the Eastern Health Authority Incorporated 2016

Adopted: 1 August 2016

Effective: 31 August 2016

- Environment Protection Act 1993 and Environment Protection (Waste to Resources) Policy 2010;
- Expiation of Offences Act 1996;
- Housing Improvement Act 1940;
- Safe Drinking Water Act 2012;
- South Australian Public Health Act 2011 and South Australian Public Health (Wastewater) Regulations 2013 and South Australian Public Health (Legionella) Regulations 2013; and
- Supported Residential Facilities Act 1992.

- Food Act 2001 - Enforcement Agency

NOTES

Conditions or Limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the end of each Schedule of Delegations.

City of Norwood Payneham & St Peters
175 The Parade, Norwood SA 5067

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ENVIRONMENT PROTECTION ACT 1993

Delegation to the Eastern Health Authority Incorporated (the Authority)

1. The power pursuant to Section 85(3) of the Environment Protection Act 1993 ("the Act"), to appoint authorised officers for the purposes of the Act.
 2. The power pursuant to Section 85(4) of the Act to make an appointment under Section 85(3) of the Act subject to conditions to be specified in the instrument of appointment, and subject to conditions prescribed by regulation.
 3. The power pursuant to Section 85(5) of the Act to revoke an appointment or to vary or revoke a condition specified in the instrument of such an appointment or impose a further such condition.
-

4. **Site Contamination Assessment Orders**

Deliberately left blank

5. **Site Remediation Orders**

Deliberately left blank

6. *Deliberately left blank*

ENVIRONMENT PROTECTION (WASTE TO RESOURCES) POLICY 2010

Delegation to the Eastern Health Authority Incorporated (the Authority)

- 6A. *Deliberately left blank*

7. The duty pursuant to Clause 17(2) of the Policy to ensure that the following provisions are complied with in relation to any medical waste received by the Eastern Health Authority:
 - (a) if any other waste is mixed with medical waste, the other waste is to be dealt with under this clause in the same way as is required in relation to medical waste;
 - (b) all medical waste must be stored in containers that are weatherproof, shatterproof, insect and vermin proof, and leak proof or, in the case of containers storing only medical sharps or any other sharp articles, leak resistant;
 - (c) all containers for medical waste that are kept for further use must be thoroughly cleaned and disinfected as soon as reasonably practicable after emptying;
 - (d) all containers used for the storage or transport of medical waste must be clearly labelled as containing medical waste;
 - (e) all containers of medical waste must be stored in a secure location;
 - (f) all necessary equipment required to clean and disinfect the area in case of accidental spillage of medical waste must be readily available and accessible;
-

Delegation to the Eastern Health Authority Incorporated (the Authority)

- (g) discarded medical sharps or any other sharp articles must be contained for disposal in containers that comply with the requirements of the Standards, as amended from time to time, set out in Clause 17(2)(g)(i) of the Policy and the containers must not be subject to compaction by a compacting device nor placed for storage or transport in a portable or mobile compactor;
 - (h) medical waste must be disposed of as soon as reasonably practicable;
 - (i) all medical waste must be:
 - (i) disposed of by incineration; or
 - (ii) disposed of by such other method of treatment or disposal as is approved by the Authority and subject to such conditions as the Authority thinks fit;
 - (iii) collected for disposal by -
 - (A) a licensed waste transporter authorised to collect and transport medical waste; or
 - (B) a council;
 - (j) before the collection of medical waste for disposal, the transporter must be advised of the nature of the waste, hazards associated with the waste and any precautions that need to be taken during the collection, transport or disposal of the medical waste;
 - (k) the transporter must be given such assistance as is required to ensure that loading operations are carried out in such a way as to prevent spillage of any medical waste.
-

CONDITIONS OR LIMITATIONS APPLICABLE TO DELEGATIONS CONTAINED IN THIS INSTRUMENT

Nil

EXPIATION OF OFFENCES ACT 1996

Delegation to the Eastern Health Authority Incorporated (the Authority)

1. Certain Offences may be Expiated

- 1.1. The power pursuant to Section 5(1) of the Expiation of Offences Act 1996 ("the Act") to issue an expiation notice under the Act to a person alleged to have committed an offence under:
 - 1.1.1. Housing Improvement Act 1940;
 - 1.1.2. South Australian Public Health Act 2011 along with the South Australian Public Health (General) Regulations 2013, the South Australian Public Health (Legionella) Regulations 2013 and the South Australian Public Health (Wastewater) Regulations 2013;
 - 1.1.3. Supported Residential Facilities Act 1992,
- and the alleged offence may accordingly be expiated in accordance with the Act.
-

2. Expiation Notices

- 2.1 The power pursuant to Section 6(3)(b)(ii) of the Act to authorise a person in writing to give an expiation notice for an alleged offence under:
 - 2.1.1. Housing Improvement Act 1940;
 - 2.1.2. South Australian Public Health Act 2011 along with the South Australian Public Health (General) Regulations 2013, the South Australian Public Health (Legionella) Regulations 2013 and the South Australian Public Health (Wastewater) Regulations 2013;
 - 2.1.3. Supported Residential Facilities Act 1992.
-

3. Review of Notices on Ground that Offence is Trifling

- 3.1 The power pursuant to Section 8A(2) and (3) of the Act to require an alleged offender who is seeking a review of the notice on the ground that the offence is trifling:
 - 3.1.1. to provide further information; and
 - 3.1.2. to provide a statutory declaration verifying the information contained in, or supporting, an application for review.
 - 3.2 The duty pursuant to Section 8A(4) of the Act to determine an application for review before issuing a certificate for an enforcement determination in respect of the offence to which the application relates.
 - 3.3 The duty pursuant and subject to Section 8A(5) and (6) of the Act upon being satisfied the offence is trifling to withdraw the expiation notice in respect of the offence by giving written notice to the alleged offender.
-

3A. Arrangements as to Manner and Time of Payment

- 3A.1 The power pursuant to Section 9(2) of the Act to agree with the Fines Enforcement and Recovery Officer the manner in which the Fines Enforcement Recovery Officer must give Eastern Health Authority (EHA) notice of any arrangement entered into under Section 9 of the Act.
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INSTRUMENT OF DELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996**Delegation to the Eastern Health Authority Incorporated (the Authority)**

- 3A.2 The power pursuant to Section 9(12) of the Act, if an arrangement terminates under Section (9), (10) or (11) of the Act, to agree with the Fines Enforcement and Recovery Officer the manner in which the Fines Enforcement and Recovery Officer must give the EHA notice of the termination and the amount then outstanding (taking into account, where the arrangement required the performance of community service, the number of hours of community service so performed).

4. Expiation Reminder Notices

- 4.1 The duty pursuant to Section 11 of the Act where an alleged offender has neither paid the expiation fee nor entered into an arrangement under Section 9 of the Act and the Council or EHA has not received a statutory declaration or other document sent to the Council or EHA by the alleged offender in accordance with a notice required by law to accompany the expiation notice, by the end of the expiation period, and before the Delegate takes any action under this Act to enforce the expiation notice, to send an expiation reminder notice in the prescribed form to the alleged offender before any action is taken under the Act to enforce the expiation notice.

5. Expiation Enforcement Warning Notices

- 5.1 The duty pursuant to Section 11A of the Act where the Council or EHA has received a statutory declaration or other document sent to the Council or EHA by the alleged offender in accordance with a notice required by law to accompany the expiation notice or expiation reminder notice, and before the Delegate takes action under this Act to enforce the expiation notice, to send an expiation enforcement warning notice, in the prescribed form, to the alleged offender by post.

6. Late Payment

- 6.1 The power pursuant to Section 12 of the Act to accept late payment of the amount due under an expiation notice at any time before an enforcement determination is made under Section 13 of the Act.

7. Enforcement Determinations

- 7.1 The power pursuant to Section 13(1) of the Act to enforce an expiation notice against an alleged offender by sending to the Fines Enforcement and Recovery Officer:
- 7.1.1 a certificate that contains the particulars determined by the Fines Enforcement and Recovery Officer relating to:
 - 7.1.1.1 the alleged offender; and
 - 7.1.1.2 the offence or offences that remain unexpiated; and
 - 7.1.1.3 the amount due under the notice; and
 - 7.1.1.4 compliance by EHA as the authority with the requirements of the Act and any other Act;
 - 7.1.2 the prescribed fee.
- 7.2 The power pursuant to Section 13(4) of the Act to apply to the Fines Enforcement and Recovery Officer under and in accordance with Section 13 of the Act within 30 days of notice of an enforcement determination being given, sent or published in accordance with Section 13 of the Act for the enforcement determination to be revoked.

INSTRUMENT OF DELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996**Delegation to the Eastern Health Authority Incorporated (the Authority)****8. Withdrawal of Expiation Notices**

- 8.1 The power pursuant to Section 16(1) of the Act, to withdraw an expiation notice with respect to all or any of the alleged offences to which an expiation notice relates where:
- 8.1.1 in the opinion of the Delegate the alleged offender did not commit the offence or offences, or that the notice should not have been given with respect to the offence or offences;
 - 8.1.2 the Council or EHA as issuing authority receives a statutory declaration or other document sent to the Council or EHA by the alleged offender in accordance with a notice required by law to accompany the expiation notice or expiation reminder notice; or
 - 8.1.3 the notice is defective; or
 - 8.1.4 the Delegate decides that the alleged offender should be prosecuted for the offence or offences.
- 8.2 The power pursuant to Section 16(5) of the Act, where an expiation notice is withdrawn under subsection (1), to commence prosecution for an offence to which the notice related.
- 8.3 The duty pursuant to Section 16(6) of the Act, subject to Section 16(7) of the Act, to withdraw an expiation notice if it becomes apparent that the alleged offender did not receive the notice until after the expiation period, or has never received it, as a result of error on the part of the Council or EHA as issuing authority or failure of the postal system.
- 8.4 The duty pursuant to Section 16(11) of the Act, where an expiation notice is withdrawn under Section 16 of the Act and the notice of withdrawal does not specify that the notice is withdrawn for the purposes of prosecuting the alleged offender, and if an enforcement determination has been made under Section 13 of the Act, to inform the Fines and Enforcement Recovery Officer of the withdrawal of the notice.

9. Provision of Information

- 9.1 The power pursuant to Section 18 of the Act to enter into an agreement with the Fines Enforcement and Recovery Officer in relation to:
- 9.1.1 the manner in which the Fines Enforcement and Recovery Officer is to provide information to EHA in relation to action taken by the Fines Enforcement and Recovery Officer under the Act in respect of an expiation notice issued by EHA as a delegate of the Council; and
 - 9.1.2 the manner in which EHA is to provide information to the Fines Enforcement and Recovery Officer in relation to the issuing of an expiation notice by EHA as a delegate of the Council or any other action taken by EHA as a delegate of the Council in respect of an expiation notice so issued.

CONDITIONS OR LIMITATIONS APPLICABLE TO DELEGATIONS CONTAINED IN THIS INSTRUMENT

Nil

HOUSING IMPROVEMENT ACT 1940

Delegation to the Eastern Health Authority Incorporated (the Authority)

1. Power to Declare Houses Unfit for Habitation

- 1.1 The power pursuant to Section 23(1) of the Housing Improvement Act 1940 ("the Act"):
 - 1.1.1 to make due inquiries and obtain such reports as the Delegate deems necessary to be satisfied that any house is undesirable for human habitation or is unfit for human habitation;
 - 1.1.2 to declare that the house -
 - 1.1.2.1 is undesirable for human habitation; or
 - 1.1.2.2 is unfit for human habitation.
 - 1.2 The duty pursuant to Section 23(2) of the Act where any house has been declared undesirable or unfit for human habitation -
 - 1.2.1 to serve on the owner of the house a declaration together with a written statement setting out particulars of the deficiencies and directing the owner, within a specified time (being not less than one month after the service of the declaration) -
 - 1.2.1.1 to carry out such work in respect of the house (including, if so directed, partial demolition) as is directed in the notice; or
 - 1.2.1.2 if the Delegate is of the opinion that it is impracticable to make the house desirable or fit for human habitation, to demolish the house; and
 - 1.2.2 to serve a copy of the declaration, statement and direction on any occupier of the house and on every registered mortgagee of the land on which the house is situated; and
 - 1.3 The power pursuant to Section 23(2) of the Act where any house has been declared undesirable or unfit for human habitation -
 - 1.3.1 if the direction is to demolish, to serve on the occupier (if any) a written notice requiring the occupier to vacate the house within a specified period being not less than one month after service; and
 - 1.3.2 where the direction requires any work to be carried out in respect of the house, to serve on any occupier (if any) a written notice to vacate the house within a specified period being not less than one month after service, unless the house is, to the satisfaction of the Delegate, made to comply with the directions given by the Delegate before the expiration of the specified period.
 - 1.4 The power pursuant to Section 23(3) of the Act to certify in writing that the house that has been declared undesirable for human habitation or unfit for human habitation complies with the direction given by the Delegate and in the time specified in the direction under Section 23(2)(c) or (d).
 - 1.5 The power pursuant to Section 23(5) of the Act where an owner fails to comply with any direction under Section 23 within the time specified in the direction –
 - 1.5.1 to do anything that is necessary to make the house comply with the direction or demolish the house;
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Delegation to the Eastern Health Authority Incorporated (the Authority)

- 1.5.2 to recover any expenses incurred from the owner of the house;
- 1.5.3 to sell or dispose of any material taken from the house;
- 1.6 The duty pursuant to Section 23(5)(d) of the Act to apply the proceeds of any sale for or towards the expenses incurred by the Council and pay any surplus (if any) in discharge of the mortgage or encumbrance of any registered mortgagee of the land in accordance with their respective priorities and to pay any remaining balance to the owner.

2. Power of Housing Authority

- 2.1 The power pursuant to Section 25(1) of the Act to consult with the Housing Authority and the duty pursuant to Section 25(1) of the Act, if required by the Housing Authority by notice in writing, within the time specified in the notice, to make a declaration pursuant to Section 23 of the Act with respect to the house in the form required by the Housing Authority and to give any direction or notice or otherwise exercise any power under Section 23 in the manner required by the Housing Authority.

3. Power to Declare Clearance Area

- 3.1 The power pursuant to Section 33(3)(a)(i) of the Act to consult with the Housing Authority where the Housing Authority is intending to submit a recommendation to the Governor under Section 33 of the Act; and
- 3.2 The power pursuant to Section 33(b) to make any objections to the Housing Authority, in relation to such recommendation.

4. Powers of Entry and Inspection

- 4.1 The power pursuant to Section 67 of the Act to authorise persons to enter into and upon any premises at any reasonable hour for the purposes of -
 - 4.1.1 examining the condition, standard of sanitation and hygiene, and state of repair of the premises;
 - 4.1.2 ascertaining whether any of the provisions of the Act are being or have been contravened;
 - 4.1.3 executing any work authorised to be executed or made by or under the Act;
 - 4.1.4 generally, enforcing the provisions of the Act.

5. Dispossession of occupiers failing to vacate premises when required to do so

- 5.1 The power pursuant to Section 71 of the Act, where any person, after he has been required under the Act by the Council to vacate a house or building, and the person refuses or neglects to vacate the same, to apply and to authorise a person to apply upon a complaint to be laid by him, in the form set out in Schedule 1 to the Act or to the like effect, to any justice, for the justice to issue a summons in the form set out in Schedule 2 to the Act or to the like effect calling upon the occupier of such house or building to appear at a time and place to be therein specified before a court of Summary Jurisdiction consisting of a special magistrate, sitting without any other justice or justices, which court may hear and determine the matter of the complaint in a summary way in the absence of the occupier or otherwise.

CONDITIONS OR LIMITATIONS APPLICABLE TO DELEGATIONS CONTAINED IN THIS INSTRUMENT

Nil

SOUTH AUSTRALIAN PUBLIC HEALTH ACT 2011

Delegation to the Eastern Health Authority Incorporated (The Authority)

1. Power to Require Reports

- 1.1 The power pursuant to Section 18(2) of the South Australian Public Health Act 2011 (**the Act**) to, if required by the Minister, provide a report on any matter relevant to the administration or operation of the Act.
- 1.2 The power pursuant to Section 18(3) of the Act to, if required by the Minister, in a case involving the Council provide a combined report with 1 or more other councils.
- 1.3 The power pursuant to Section 18(5) of the Act to provide the report in accordance with the requirements of the Minister.

2. Risk of Avoidable Mortality or Morbidity

- 2.1 The power pursuant to Section 22(2) of the Act, if the Eastern Health Authority (EHA) and/or the Council receives a request under Section 22(1) of the Act, to consider the request and then respond in accordance with Section 22(3) of the Act to the Chief Public Health Officer within a reasonable time.
- 2.2 The power pursuant to Section 22(3) of the Act to include in a response under Section 22(2) of the Act details about:
 - 2.2.1 any steps already being taken by EHA and/or the Council that may be relevant in the circumstances; and
 - 2.2.2 any plans that EHA and/or the Council may have that may be relevant in the circumstances; and
- 2.3 any steps that EHA and/or the Council is willing to take in the circumstances; and
- 2.4 any other matter relating to EHA and/or the Council that appears to be relevant.

3. Cooperation Between Councils

- 3.1 The power pursuant to Section 39(1) of the Act to, in performing the Council's functions or exercising the Council's powers under the Act, act in conjunction or partnership with, or cooperate or coordinate the Council's activities with, 1 or more other councils
- 3.2 The power pursuant to Section 39(2) of the Act to, if requested by the Chief Public Health Officer, cooperate with 1 or more other councils.
- 3.3 The power pursuant to Section 39(3) of the Act to, if the Council receives a request under Section 39(2) of the Act, within 28 days after receiving the request or such longer period as the Chief Public Health Officer may specify, furnish the Chief Public Health Officer with a written report on the action that the Council intends to take in response to the request.

4. Power of Chief Public Health Officer to Act

- 4.1 The power pursuant to Section 40(2) of the Act to consult with the Chief Public Health Officer.

Delegation to the Eastern Health Authority Incorporated (The Authority)**5. Council Failing to Perform a Function Under Act**

- 5.1 The power pursuant to Section 41(1) of the Act to consult with the Minister in relation to the Minister's opinion that the Council has failed, in whole or in part, to perform a function conferred on the Council under the Act.
- 5.2 The power pursuant to Section 41(6) of the Act to:
 - 5.2.1 make written submissions to the Minister in relation to the matter within a period specified by the Minister; and
 - 5.2.2 request in the written submissions to the Minister that the Minister discuss the matter with a delegation representing the Council; and
 - 5.2.3 appoint a delegation representing the Council to discuss the matter with the Minister.

6. Transfer of Function of Council at Request of Council

- 6.1 The power pursuant to Section 42(1) of the Act to request, in accordance with Section 42(2), of the Act that a function of the Council under the Act be performed by the Chief Public Health Officer.
- 6.2 The power pursuant to Section 42(10) of the Act to enter into an agreement with the Minister for the Minister to recover costs and expenses associated with the Chief Public Health Officer acting under Section 42 of the Act.
- 6.3 The power pursuant to Section 42(11) of the Act to request that the Minister vary or revoke a notice under Section 42 of the Act.
- 6.4 The power pursuant to Section 42(11) of the Act to consult with the Minister in relation to the Minister varying or revoking a notice under Section 42 of the Act.

7. Local Authorised Officers

- 7.1 The power pursuant to Section 44(1) of 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.
- 7.2 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.
- 7.3 The power pursuant to Section 44(4) of the Act to direct a local authorised officer.
- 7.4 The power pursuant to Section 44(6) of the Act to vary or revoke an appointment at any time.
- 7.5 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:
 - 7.5.1 makes an appointment under Section 44 of the Act; or
 - 7.5.2 revokes an appointment under Section 44 of the Act.
- 7.6 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.

Delegation to the Eastern Health Authority Incorporated (The Authority)

8. Identity Cards

- 8.1 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:
- 8.1.1 containing the person's name and a photograph of the person; and
 - 8.1.2 stating that the person is an authorised officer for the purposes of the Act; and
 - 8.1.3 setting out the name or office of the issuing authority.
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9. Specific Power to Require Information

- 9.1 The power pursuant to Section 49(1) of the Act to require a person to furnish such information relating to public health as may be reasonably required for the purposes of the Act.
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10. Regional Public Health Plans

- 10.1 The power pursuant to Section 51(1) of the Act to in accordance with Sections 51(2), (5), (6), (8), (9), (11), (12), (13) and (15) of the Act prepare and maintain a plan or, if the Minister so determines or approves, with a group of councils, prepare and maintain a plan, for the purposes of the operations of the Council or Councils under the Act (a regional public health plan).
- 10.2 The power pursuant to Section 51(10) of the Act, to, subject to Section 51(11), amend a regional public health plan at any time.
- 10.3 The power pursuant to Section 51(11) of the Act to, in relation to any proposal to create or amend a regional public health plan:
- 10.3.1 prepare a draft of the proposal; and
 - 10.3.2 when the draft plan is completed, subject to Section 51(12) of the Act:
 - 10.3.2.1 give a copy of it to:
 - (a) the Minister; and
 - (b) any incorporated hospital established under the *Health Care Act 2008* that operates a facility within the region; and
 - (c) any relevant public health partner authority under Section 51(23); and
 - (d) any other body or group prescribed by the regulations; and
 - 10.3.2.2 take steps to consult with the public.
- 10.4 The power pursuant to Section 51(12) of the Act to, if required by the Minister, consult with the Minister, or any other person or body specified by the Minister, before the Council or EHA releases a draft plan under Section 51(11).
- 10.5 The power pursuant to Section 51(13) of the Act to, before bringing a regional public health plan into operation, submit the plan to the Chief Public Health Officer for consultation.
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Delegation to the Eastern Health Authority Incorporated (The Authority)

- 10.6 The power pursuant to Section 51(15) of the Act to take into account any comments made by the Chief Public Health Officer, SAPHC, and any other body within the ambit of a determination under Section 51(14) of the Act, at the conclusion of the consultation processes envisaged by Sections 51(13) and (14).
 - 10.7 The power pursuant to Section 51(16) of the Act to then adopt a plan or amend a plan with or without alteration.
 - 10.8 *Deliberately left blank.*
 - 10.9 The power pursuant to Section 51(18) of the Act to provide in a regional public health plan, by agreement with the public health partner authority, for a public health partner authority to take responsibility for undertaking any strategy, or for attaining any priority or goal, under the plan.
 - 10.10 The power pursuant to Section 51(19) of the Act to review a regional public health plan at least once in every 5 years.
 - 10.11 The power pursuant to Section 51(20) of the Act to, in preparing and reviewing the Council's regional public health plan insofar as is reasonably practicable, give due consideration to the plans of other councils insofar as this may be relevant to issues or activities under the Council's plan.
 - 10.12 The power pursuant to Section 51(21) of the Act to, when performing functions or exercising powers under the Act or any other Action on behalf of the Council, insofar as may be relevant and reasonable, have regard to the State Public Health Plan, any regional public health plan that applies within the relevant area and any other requirement of the Minister, and in particular to give consideration to the question whether the Council or EHA should implement changes to the manner in which, or the means by which, the Council or EHA performs a function or exercises a power or undertakes any other activity that has been identified in the State Public Health Plan as requiring change.
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11. Reporting on Regional Public Health Plans

- 11.1 The power pursuant to Section 52(1) of the Act to, in relation to a regional health plan for which the Council is responsible, on a 2 yearly basis, prepare a report that contains a comprehensive assessment of the extent to which, during the reporting period, the Council has succeeded in implementing its regional public health plan to the Chief Public Health Officer in accordance with Sections 52(2), (3) and (4) of the Act.
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12. Action to Prevent Spread of Infection

- 12.1 The power pursuant to Section 66(6) of the Act to recover as a debt costs and expenses reasonably incurred in exercising powers under Section 66(5) of the Act from the person who failed to take the required action.
 - 12.2 The power pursuant to Section 66(9) of the Act to, if the Chief Public Health Officer informs the Council of the occurrence of a disease constituting a notifiable condition, take such action as is reasonably open to EHA to assist in preventing the spread of the disease.
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Delegation to the Eastern Health Authority Incorporated (The Authority)

13. Notices

- 13.1 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:
 - 13.1.1 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
 - 13.1.2 averting, eliminating or minimising a risk, or a perceived risk, to public health.
 - 13.2 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:
 - 13.2.1 have regard to:
 - 13.2.1.1 the number of people affected, or potentially affected, by the breach of the duty;
 - 13.2.1.2 the degree of harm, or potential degree of harm, to public health on account of the breach of the duty;
 - 13.2.1.3 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 EHA thinks fit; and
 - 13.2.2 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:
 - 13.2.2.1 stating the proposed action, including the terms of the proposed notice and the period within which compliance with the notice will be required; and
 - 13.2.2.2 stating the reasons for the proposed action; and
 - 13.2.2.3 inviting the person show, within a specified time (of a reasonable period), why the proposed action should not be taken (by making representations to EHA or a person nominated to act on behalf of the Council).
 - 13.3 The power pursuant to Section 92(2)(b)(iii) of the Act to nominate a person to act on behalf of the Council.
 - 13.4 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:
 - 13.4.1 issue a notice in accordance with the terms of the original proposal; or
 - 13.4.2 issue a notice with modifications from the terms of the original proposal; or
 - 13.4.3 determine not to proceed further under Section 92.
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Delegation to the Eastern Health Authority Incorporated (The Authority)

- 13.5 The power pursuant to Section 92(4) of the Act to:
- 13.5.1 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
 - 13.5.2 not give further notice before issuing a notice with modifications under Section 92(3)(b) of the Act.
- 13.6 The power pursuant to Section 92(5) of the Act issue a notice under Section 92 of the Act:
- 13.6.1 in the form of a written notice served on the person to whom it is issued; and
 - 13.6.2 specifying the person to whom it is issued (whether by name or by a description sufficient to identify the person); and
 - 13.6.3 directing 2 or more persons to do something specified in the notice jointly; and
 - 13.6.4 without limiting any other provision, in the case of a notice that relates to the condition of any premises, to any person who:
 - 13.6.4.1 is the owner or occupier of the premises; or
 - 13.6.4.2 has the management or control of the premises; or
 - 13.6.4.3 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
 - 13.6.5 stating the purpose for which the notice is issued and giving notice of the requirement or the risk to which it relates; and
 - 13.6.6 imposing any requirement reasonably required for the purpose for which the notice is issued including 1 or more of the following:
 - 13.6.6.1 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;
 - 13.6.6.2 a requirement that the person not carry on a specified activity except at specified times or subject to specified conditions;
 - 13.6.6.3 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;
 - 13.6.6.4 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;
 - 13.6.6.5 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;

Delegation to the Eastern Health Authority Incorporated (The Authority)

- 13.6.6.6 a requirement that the person undertake specified tests or monitoring;
 - 13.6.6.7 a requirement that the person furnish to a relevant authority specified results or reports;
 - 13.6.6.8 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;
 - 13.6.6.9 a requirement prescribed under or for the purposes of the regulations; and
 - 13.6.7 stating that the person may, within 14 days, apply for a review of the notice or institute an appeal against the notice under the provisions of the Act.
 - 13.7 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 EHA or the Council, vary or revoke the notice.
 - 13.8 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 EHA issues a notice under Section 92 of the Act.
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14. Action on Non-compliance with Notice

- 14.1 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.
 - 14.2 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.
 - 14.3 The power pursuant to Section 93(4) of the Act to recover the reasonable costs and expenses incurred by EHA or 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.
 - 14.4 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.
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15. Action in Emergency Situations

- 15.1 The power pursuant to Section 94(5) of the Act to recover the reasonable costs and expenses incurred by a local authorised officer in taking action under Section 94 from any person who caused the risk to which the action relates, as a debt.
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16. Reviews – Notices Relating to General Duty

- 16.1 The power pursuant to Section 95(13) of the Act to appear in proceedings before the Review Panel as a representative of the Council.
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Delegation to the Eastern Health Authority Incorporated (The Authority)

- 16.2 The power pursuant to Section 95(15) of the Act to make an application to the Review Panel to:
- 16.2.1 dismiss or determine any proceedings that appear:
- 16.2.1.1 to be frivolous or vexatious; or
- 16.2.1.2 to have been instituted for the purpose of delay or obstruction, or for some other improper purpose;
- 16.2.2 bring any proceedings to an end that appear:
- 16.2.2.1 to be more appropriate suited to proceedings before the District Court rather than the Review Panel; or
- 16.2.2.2 to be unable to be satisfactorily resolved (or resolved within a reasonable period) by proceedings before the Review Panel; or
- 16.2.3 bring any proceedings to an end for any other reasonable cause.

17. Appeals

- 17.1 The power pursuant to Section 96(3) of the Act and subject to Section 96(4) of the Act, appeal to the District Court against the outcome of review proceedings under Division 3, Part 12 of the Act.

SOUTH AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013**Delegation to the Eastern Health Authority Incorporated (The Authority)****18. Duty to Register High Risk Manufactured Water System**

- 18.1 The power pursuant to Regulation 5(3) of the South Australian Public Health (Legionella) Regulations 2013 (**the Legionella Regulations**) to, on application made in a manner and form approved by the Council or EHA and payment of the registration fee specified in Schedule 1 to the Council or EHA, register the high risk manufactured water system to which the application relates.
- 18.2 The power pursuant to Regulation 5(6) of the Legionella Regulations, to, on application made in a manner and form approved by the Council or EHA and payment of the renewal fee specified in Schedule 1 to the Council or EHA, renew the registration of the high risk manufactured water system to which the application relates.

19. Register of High Risk Manufactured Water Systems

- 19.1 The power pursuant to Regulation 6(2) of the Legionella Regulations and subject to Regulation 6(3) of the Legionella Regulations to determine the manner and form of a register of high risk manufactured water systems registered by EHA and/or the Council.
- 19.2 The power pursuant to Regulation 6(3) of the Legionella Regulations to include in relation to each high risk manufactured water system on the register:
- 19.2.1 the type of water system; and
 - 19.2.2 the address of the premises on which the water system is installed; and
 - 19.2.3 the location of the water system on the premises; and
 - 19.2.4 the full name and residential and business addresses of the owner of the premises; and
 - 19.2.5 the full name, residential and business addresses, and residential and business telephone numbers, of the person nominated by the owner of the premises as being responsible for the operation and maintenance of the water system,
- and such other information as EHA thinks fit.
- 19.3 The power pursuant to Regulation 15(2) of the Legionella Regulations to, at least once in every 12 months, give the owner of each of the premises on which a high risk manufactured water system registered with EHA and/or the Council is installed, written notice:
- 19.3.1 requiring the owner, within the period specified in the notice:
 - 19.3.1.1 to cause an inspection of the water system to be carried out by a competent person (not being the owner or person responsible for the operation and maintenance of the system); and
 - 19.3.1.2 to arrange for a NATA accredited laboratory to conduct microbiological testing, in accordance with AS/NZS 3896:
 - (a) of at least 1 sample of water taken from a cooling water system; and

Delegation to the Eastern Health Authority Incorporated (The Authority)

- (b) of at least 2 samples of water taken from a warm water system,
 to determine the presence and number of colony forming units of Legionella in the water; and
- 19.4 requiring the owner to submit to the Council or EHA written reports setting out the findings of the inspection and the results of the microbiological testing within 1 month of receiving the reports.

20. Power of Council to Require Microbiological Testing in Other Circumstances

- 20.1 The power pursuant to Regulation 16(1) of the Legionella Regulations, if:
- 20.1.1 the Council or EHA is investigating the occurrence of Legionellosis in the near vicinity of premises on which a high risk manufactured water system is installed; or
 - 20.1.2 the Council or EHA has reason to believe that a high risk manufactured water system installed on premises situated in its area is not being maintained as required by these regulations,
- to give the owner of the premises written notice:
- 20.1.3 requiring the owner (either immediately or within a period specified in the notice) to arrange for a NATA accredited laboratory to conduct microbiological testing, in accordance with AS/NZS 3896, of water taken from the system, to determine the presence and number of colony forming units of Legionella in the water; and
 - 20.1.4 requiring the owner to submit to EHA or the Council a written report setting out the results of the microbiological testing within 24 hours of receiving the report.

21. Fees

- 21.1 The power pursuant to Regulation 21(3) of the Legionella Regulations, if a person is liable to pay a fee to EHA or the Council, to give the person written notice requiring the person to pay the fee within the period specified in the notice.
- 21.2 The power pursuant to Regulation 21(4) of the Legionella Regulations, to reduce or remit a fee payable to EHA or the Council under the Legionella Regulations if satisfied that it is appropriate to do so in a particular case.
- 21.3 The power pursuant to Regulation 21(5) of the Legionella Regulations, to recover a fee payable to EHA or the Council under the Legionella Regulations by action in a court of competent jurisdiction as a debt due to the Council.

SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013**Delegation to the Eastern Health Authority Incorporated (The Authority)****22. Relevant Authority**

- 22.1 The power pursuant to Regulation 6(1)(b) of the South Australian Public Health (Wastewater) Regulations 2013 (**the Wastewater Regulations**) to, agree to act as the relevant authority for a matter relating to an on-site wastewater system with a capacity that does not, or will not, on completion of wastewater works, exceed 40 EP and that is located or to be located in another council area if the system is to be operated by another council or wastewater works related to the system are to be undertaken by another council, or by a person acting in partnership, or in conjunction with that other council.

23. Public Notification of Proposed Community Wastewater Management System

- 23.1 *Deliberately left blank.*

24. Connection to Community Wastewater Management System

- 24.1 *Deliberately left blank.*

25. Exemptions

- 25.1 The power pursuant to Regulation 10(3) of the Wastewater Regulations to give an exemption by written notice and subject to conditions determined by EHA and stated in the notice.
- 25.2 The power pursuant to Regulation 10(4) of the Wastewater Regulations to vary or revoke an exemption by further written notice to the holder of the exemption.

26. Exemptions From Prescribed Codes

- 26.1 The power pursuant to Regulation 15(3) of the Wastewater Regulations to give an exemption by written notice and is subject to conditions determined by EHA and stated in the notice.
- 26.2 The power pursuant to Regulation 15(5) of the Wastewater Regulations to vary or revoke an exemption by further written notice to the holder of the exemption.

27. Application

- 27.1 The power pursuant to Regulation 23(2) of the Wastewater Regulations to, by written notice, ask the applicant to provide EHA or the Council with further technical specifications, information or documents relevant to the application or to modify the technical specifications submitted for approval.

Delegation to the Eastern Health Authority Incorporated (The Authority)

28. Determination of Application

- 28.1 The power pursuant to Regulation 24(1) of the Wastewater Regulations to refuse to grant a wastewater works approval:
- 28.1.1 if the applicant fails to satisfy EHA of either or both of the following:
 - 28.1.1.1 that the technical specifications for the wastewater works comply with the prescribed codes;
 - 28.1.1.2 that the wastewater works will not, if undertaken in accordance with the conditions of approval, adversely affect or threaten public or environmental health; or
 - 28.1.2 for any other sufficient reason.
- 28.2 The power pursuant to Regulation 24(2) of the Wastewater Regulations, if an application for a wastewater works approval relates to the connection of a community wastewater management system to SA Water sewerage infrastructure or a significant increase in the amount of wastewater to be discharged from a community wastewater management system to SA Water sewerage infrastructure, to give SA Water a reasonable opportunity to comment on the application and take into account any comments so made.

29. Conditions of Approval

- 29.1 The power pursuant to Regulation 25(2) of the Wastewater Regulations to impose:
- 29.1.1 any 1 or more of the following prescribed expiable conditions:
 - 29.1.1.1 a condition that sets out mandatory notification stages during the progress of wastewater works when a person is required to notify EHA and/or the Council in a specified manner and stop the work pending an inspection carried out at the person's expense;
 - 29.1.1.2 a condition that requires the display of specified notices on the premises on which the wastewater system is located;
 - 29.1.1.3 a condition that requires a person to monitor the performance of the wastewater system in a specified manner (including by inspections carried out at specified times at the person's expense) and to provide EHA and/or the Council with specified information in a specified manner and at specified times;
 - 29.1.1.4 a condition that provides that specified material must not, or that only specified material may, be discharged into, or from, the wastewater system;
 - 29.1.1.5 a condition that requires the wastewater system to be operated, maintained or serviced by a person of a specified class;

Delegation to the Eastern Health Authority Incorporated (The Authority)

- 29.1.1.6 a condition that requires records of a specified kind to be created, maintained, and provided to EHA and/or Council; or
- 29.1.2 any other conditions including any 1 or more of the following:
- 29.1.2.1 a condition that requires decommissioning of the wastewater system:
- (a) after a specified trial period; or
- (b) in specified circumstances; or
- (c) on written notice to the operator of the system;
- 29.1.2.2 a condition that requires a wastewater system to be connected to a community wastewater management system;
- 29.1.2.3 a condition that prevents activities that would adversely affect the operation or maintenance of a drain or treatment or disposal system or the reuse of wastewater from the wastewater system;
- 29.1.2.4 a condition that requires a wastewater system to have various access points for maintenance or inspection (raised to or terminating at surface level, or as required by EHA or the Council);
- 29.1.2.5 a condition that provides that a wastewater system must not be used unless or until it has been inspected or tested by an independent wastewater engineer and the Council EHA supplied with a certificate given by that expert certifying that the wastewater works have been undertaken in accordance with the approved technical specifications;
- 29.1.2.6 a condition that otherwise specifies requirements relating to:
- (a) the installation of the wastewater system; or
- (b) the decommissioning of the wastewater system; or
- (c) the connection of the wastewater system to a community wastewater management system or SA Water sewerage infrastructure or the disconnection of the wastewater system from a community wastewater management system or from SA Water sewerage infrastructure; or
- (d) the operation, servicing and maintenance of the wastewater system; or
- (e) the reuse or disposal of wastewater from the wastewater system.

Delegation to the Eastern Health Authority Incorporated (The Authority)

- 29.2 The power pursuant to Regulation 25(3) of the Wastewater Regulations to impose a condition of approval that:
- 29.2.1 provides that a matter or thing is to be determined according to the discretion of the Council, EHA, or some other specified person or body; and
 - 29.2.2 operates by reference to the manuals referred to in a product approval for the wastewater system; and
 - 29.2.3 operates by reference to a specified code as in force at a specified time or as in force from time to time.
- 29.3 The power pursuant to Regulation 25(6) of the Wastewater Regulations to, on application and payment of the fee fixed by Schedule 1, by written notice to the applicant, vary or revoke a condition of a wastewater works approval.
- 29.4 The power pursuant to Regulation 25(7) of the Wastewater Regulations to, on EHA's own initiative, by written notice to the operator of a wastewater system to which a wastewater works approval applies, vary or revoke a condition of the approval or impose a further condition, provided that the variation, revocation or imposition does not take effect until at least 6 months after the giving of the notice unless:
- 29.4.1 the operator consents; or
 - 29.4.2 EHA states in the notice that, in his/her opinion, the variation, revocation or imposition is necessary in order to prevent or mitigate significant harm to public or environmental health or the risk of such harm.

30. Expiry of Approval

- 30.1 The power pursuant to Regulation 26(2) of the Wastewater Regulations to, on application and payment of the fee fixed by Schedule 1, postpone the expiry of a wastewater works approval for a specified period.

31. Registers of Wastewater Works Approvals

- 31.1 The power pursuant to Regulation 27(3) of the Wastewater Regulations, to extend the registers to include wastewater works approvals granted under the revoked regulations.
- 31.2 The power pursuant to Regulation 27(6) of the Wastewater Regulations to include in the registers other information considered appropriate by the EHA.

32. Requirement to Obtain Expert Report

- 32.1 The power pursuant to Regulation 29(1) of the Wastewater Regulations, if EHA suspects on reasonable grounds that a wastewater system is adversely affecting or threatening public or environmental health, to give the operator of the system a written notice requiring the operator to obtain and provide to EHA and/or the Council a written report from an independent wastewater engineer within a specified period addressing specified matters.
- 32.2 The power pursuant to Regulation 29(3) of the Wastewater Regulations, if the requirements of a notice under Regulation 29 of the Wastewater Regulations are not complied with to obtain the required report and recover the costs and expenses reasonable incurred in doing so from the person who failed to comply with the notice, as a debt.

Delegation to the Eastern Health Authority Incorporated (The Authority)

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- 32.3 The power pursuant to Regulation 29(3) of the Wastewater Regulations, to authorise a person to enter land at any reasonable time for the purposes of the report.

33. Fees

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- 33.1 The power pursuant to Regulation 33(1) of the Wastewater Regulations, to refund, reduce or remit payment of a fee payable under the Wastewater Regulations if EHA considers that appropriate in the circumstances.
- 33.2 The power pursuant to Regulation 33(2) of the Wastewater Regulations, to recover a fee payable to the Council by action in a court of competent jurisdiction as a debt due to the Council.
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SOUTH AUSTRALIAN PUBLIC HEALTH (GENERAL) REGULATIONS 2013**Delegation to the Eastern Health Authority Incorporated (The Authority)****34. Non-compliance with Notices (Section 93(6) of Act)**

- 34.1 The power pursuant to Regulation 5B(2) of the South Australian Public Health (General) Regulations 2013 (the General Regulations), for the purposes of the creation of a charge on land under Section 93 of the Act, to deliver to the Registrar-General a notice, in a form determined by the Minister on the recommendation or with the approval of the Registrar-General:
- 34.1.1 setting out the amount recoverable under Section 93 of the Act; and
 - 34.1.2 setting out the land in relation to which the relevant action was taken; and
 - 34.1.3 requesting the Registrar-General to make a notation under Regulation 5B of the General Regulations in relation to the relevant land.
- 34.2 The power pursuant to Regulation 5B(8) of the General Regulations, if or when the amount to which the charge relates is paid, to by further notice in writing to the Registrar-General (being a notice in a form determined by the Minister on the recommendation or with the approval of the Registrar-General) cancel the charge.

SCHEDULE OF CONDITIONS**CONDITIONS OR LIMITATIONS APPLICABLE TO DELEGATIONS CONTAINED IN THIS INSTRUMENT**

Paragraph(s) to which Conditions/Limitations Apply	Conditions / Limitations
3	The powers delegated at paragraphs 3.1-3.3 of this instrument can only be exercised after EHA has received consent from the Chief Executive Officer of the Council to exercise those powers on a case-by-case basis.
5.2	The powers delegated at paragraph 5.2 of this instrument can only be exercised after EHA has received consent from the Chief Executive Officer of the Council to exercise those powers on a case-by-case basis.
6	The powers delegated at paragraphs 6.1-6.4 of this instrument can only be exercised after EHA has received consent from the Chief Executive Officer of the Council to exercise those powers on a case-by-case basis.

INSTRUMENT OF DELEGATION UNDER THE SAFE DRINKING WATER ACT 2012

Delegation to the Eastern Health Authority Incorporated (The Authority)

1. Drinking Water Providers to be Registered

- 1.1 The power pursuant to Section 5(2)(a) and (b) of the Safe Drinking Water Act 2011 (the Act) and in accordance with Section 5(3) of the Act to make an application for registration of the Council under the Act to the Minister and in a manner and form determined by the Minister.

2. Conditions of Registration

- 2.1 The power pursuant to Section 8(3) of the Act where the Council holds a registration, to make application to the Minister in a manner and form determined by the Minister, requesting the variation of a condition to which the registration is subject.

3. Suspension of Registration

- 3.1 The power pursuant to Section 9(5) of the Act after the Council or the Eastern Health Authority (EHA) has received notice from the Minister, lodge with the Minister a written objection (setting out the grounds of objection).
- 3.2 The power pursuant to Section 9(5) of the Act to make submissions to the Minister in relation to the matter.
- 3.3 The power pursuant to Section 9(10) of the Act where the Council's registration has been suspended to make application to the Minister for the cancellation of the suspension.

4. Appeals

- 4.1 The power pursuant to Section 10(1) of the Act and in accordance with Section 10(2) of the Act, to appeal to the District Court against:
- (a) a condition imposed by the Minister in relation to a registration under Part 2 of the Act;
 - (b) a variation of a condition of registration made by the Minister on the Minister's own initiative; or
 - (c) a decision of the Minister to refuse to grant an application to vary a condition of registration; or
 - (d) a decision of the Minister to suspend a registration under Part 2 of the Act.

5. Drinking Water Providers to prepare, implement and review Risk Management Plans

- 5.1 The power pursuant to Section 12(1) of the Act and in accordance with Section 13 of the Act, to:
- (a) prepare a risk management plan in relation to the supply of drinking water to the public; and
 - (b) keep the plan under continuous review with a view to updating and improving it; and
 - (c) revise any aspect of the plan that is found, on review, to need revision.

INSTRUMENT OF DELEGATION UNDER THE SAFE DRINKING WATER ACT 2011**Delegation to the Eastern Health Authority Incorporated (The Authority)**

- 5.2 The power pursuant to Section 12(3) of the Act, if a standard risk management plan is in place under Section 12(2) of the Act and the Council falls within the specified class to which the standard risk management plan applies, to, subject to any requirement published by the Chief Executive in connection with the risk management plan and in a manner and form determined by the Chief Executive, adopt the standard risk management plan rather than preparing a separate plan under Section 12(1)(a) of the Act.

6. Related Matters

- 6.1 The power pursuant to Section 14(2) of the Act, to furnish to the Minister in a manner and form determined by the Minister a copy of the Council's monitoring program and incident identification and notification protocol.
- 6.2 The power pursuant to Section 14(3)(b) of the Act to consult with the Minister in relation to alterations to the program or protocol (or both) submitted for the purposes of Section 14 of the Act.
- 6.3 The power pursuant to Section 14(4) of the Act and in accordance with Section 14(5) of the Act, where the Council is required to make an alteration under Section 14(3), to appeal to the District Court against the requirement.

7. Appointment of Authorised Officers

Deliberately left blank

8. Certificates of Authority

Deliberately left blank

9. Seizure Orders

Deliberately left blank

10. Notices

- 10.1 The power pursuant to Section 38(6) of the Act to, by written notice served on a person to whom a notice under Section 38 has been issued by the Council, vary or revoke the notice.

11. Action or Non-compliance with a Notice

- 11.1 The power pursuant to Section 39(1) of the Act, if the requirements of a notice under Division 3 of the Act by the Council are not complied with, to take any action required by the notice.
- 11.2 The power pursuant to Section 39(2) of the Act to authorise another person to take action under Section 39(1) of the Act on the Council's behalf.
- 11.3 The power pursuant to Section 39(4) of the Act to recover the reasonable costs and expenses incurred by the Council in taking action under Section 39 of the Act from the person who failed to comply with the requirements of the notice as a debt in a court of competent jurisdiction.
- 11.4 The power pursuant to Section 39(5) of the Act, if an amount is recoverable from a person by the Council under Section 39 of the Act, 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.

INSTRUMENT OF DELEGATION UNDER THE SAFE DRINKING WATER ACT 2011

Delegation to the Eastern Health Authority Incorporated (The Authority)

12. Action in Emergency Situations

- 12.1 The power pursuant to Section 40(5) of the Act to recover the reasonable costs and expenses incurred by an authorised officer of the Council in taking action under Section 40 of the Act as a debt in a court of competent jurisdiction.

13. Specific Power to Require Information

Deliberately left blank

14. Appeals

- 14.1 The power pursuant to Section 42(3) of the Act to apply for the Council to be a party to proceedings under Section 42 of the Act.

15. Annual Reports by Enforcement Agencies

- 15.1 The power pursuant to Section 52(1) of the Act to on or before 30 September in each year, furnish to the Minister a report on the activities of the Council under the Act during the financial year ending on the preceding 30 June.

CONDITIONS OR LIMITATIONS APPLICABLE TO DELEGATIONS CONTAINED IN THIS INSTRUMENT

Nil

SUPPORTED RESIDENTIAL FACILITIES ACT 1992

Delegation to the Eastern Health Authority Incorporated (The Authority)

1. Appointment of Authorised Officers

- 1.1 The power pursuant to Section 21(1) of the Supported Residential Facilities Act 1992 ("the Act") to appoint a person to be an authorised officer under the Act;
 - 1.2 The duty pursuant to Section 21(2) of the Act to issue to an authorised officer an identity card; and
 - 1.3 The power pursuant to Section 21(4) of the Act by notice in writing served on an authorised officer, to revoke the appointment as an authorised officer.
-

2. Application for a Licence

- 2.1 The power pursuant to Section 24(3) of the Act by notice in writing not later than two months after a licence application has been made, to require the applicant to furnish specified information;
 - 2.2 The power pursuant to Section 24(5) of the Act to require any information included in an application or required by a notice to be verified by statutory declaration;
 - 2.3 The power pursuant to Section 24(9) of the Act subject to such conditions as Eastern Health Authority (EHA) thinks fit, to conditionally approve the issue of a licence in respect of proposed premises and the duty where satisfied that the premises have been established in substantial compliance with those conditions (and within such a period, if any as EHA may have determined), to grant a licence; and
 - 2.4 Where an application for a licence is refused, the duty pursuant to Section 24(10) of the Act notify the applicant in writing of the refusal, the reasons for the refusal, and any appeal rights that the applicant has under the Act.
 - 2.5 The duty, pursuant to Section 25(1) of the Act in considering an application for a licence in respect of the use of premises as a supported residential facility, to take into account those matters specified in this Section and such other matters as EHA thinks fit;
 - 2.6 The duty pursuant to Section 25(2) of the Act in determining whether or not an applicant is suitable to be granted a licence, to have regard to those matters specified in this Section and to such other matters as EHA thinks fit;
 - 2.7 The duty pursuant to Section 25(3) of the Act in determining whether or not premises are suitable to be used as a supported residential facility, to have regard to those matters specified in Section 25(3) of the Act and to such other matters as EHA thinks fit;
 - 2.8 The duty pursuant to Section 25(4) of the Act not to grant a licence where it appears that the facility would not be administered in accordance with the principles prescribed in Part 2 of the Act.
-

Delegation to the Eastern Health Authority Incorporated (The Authority)

3. Renewal of Licence

- 3.1 The power pursuant to Section 27(3) of the Act at EHA's discretion, to determine a late application for renewal provided that the applicant pays the prescribed late application fee;
 - 3.2 The duty pursuant to Section 27(4) of the Act by notice in writing served on the applicant, to give a decision on an application for the renewal of a licence before the date of expiry of the licence and where EHA decides to refuse an application for renewal of a licence, the duty to state in the notice of refusal the reasons for the refusal and the appeal rights that the applicant may have under the Act.
 - 3.3 The power pursuant to Section 28 of the Act to refuse to renew a licence on any ground on which a licence may be cancelled.
-

4. Licence Conditions

- 4.1 The power pursuant to Section 29(2) of the Act to impose licence conditions with respect to such matters as are contemplated by the Act or as EHA considers necessary or expedient for the purposes of the Act;
 - 4.2 Pursuant to Section 29(3) of the Act where conditions are imposed by EHA:
 - 4.2.1 if imposed at the time of grant or renewal of the licence – the duty to include them in the licence itself;
 - 4.2.2 if imposed during the currency of the licence – the duty to impose them by notice in writing served on the holder of the licence;
 - 4.2.3 the power to vary or revoke conditions at any time by notice in writing served on the holder of the licence;
 - 4.3 *Deliberately left blank.*
-

5. Transfer of Licence

- 5.1 The duty pursuant to Section 30(4) of the Act, upon due application under Section 30 of the Act and payment of the prescribed fee, to transfer the licence to the proposed transferee if satisfied that the proposed transferee would be a suitable person to be granted a licence under the Act.
-

6. Cancellation of Licence

- 6.1 The power pursuant to Section 31(1) of the Act, to cancel a licence, on reasonable grounds, where satisfied that any of the matters specified in this Section are applicable;
 - 6.2 The duty pursuant to Section 31(2) of the Act before acting under this Section, to notify the holder of the licence in writing of the proposed cancellation of the licence and allow the holder of the licence at least 28 days within which to make submissions in relation to the proposed action;
 - 6.3 The power pursuant to Section 31(3) of the Act pending the cancellation (or possible cancellation) of a licence under this Section, to impose conditions to protect the interests of the residents of the facility; and
-

Delegation to the Eastern Health Authority Incorporated (The Authority)

- 6.4 The power pursuant to Section 31(4) of the Act, to appoint an administrator of the facility and to take such other steps as may be reasonable to secure the proper care of the residents of the facility.
-

7. Appeals

- 7.1 The power pursuant to Section 32(5) of the Act where EHA is satisfied that an applicant for renewal of a licence has instituted or intends to institute an appeal, to order that the licence remain in force until the determination of the appeal; and to impose such conditions as EHA thinks fit.
- 7.2 The power pursuant to Section 32(7) of the Act if a person contravenes, or fails to comply with, a condition imposed under Section 32(5) of the Act to revoke any order to which the condition relates.
- 7.3 The duty pursuant to Section 33(1) of the Act, and subject to Section 33(2), where application is made for a licence in respect of a facility that was in operation during the period of three (3) months immediately preceding the commencement of the Section, to upon payment of the prescribed fee, grant a licence in accordance with the Act for a term of one year.
-

8. Appointment of Manager

- 8.1 The power pursuant to Section 34(1) of the Act where the proprietor of a facility is not directly involved in the management of the facility or the proprietor of a facility is a body corporate, to approve a natural person for the purpose of managing the facility under that person's personal supervision.
- 8.2 The power pursuant to Section 34(2) of the Act to extend the period of management without supervision.
-

9. Death of Licensee

- 9.1 The power pursuant to Section 35 of the Act, where the holder of a licence dies, to approve the personal representative or some other person to be taken to be the holder of the licence (on the same conditions as applicable to the former holder of the licence) as from the date of death until the expiration of six months from that date or until such later date as may be fixed by EHA.
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10. Rescission of Resident Contract by Proprietor

- 10.1 The power pursuant to Section 39(2)(b) of the Act to approve the method of providing a termination notice subject to this Section.
-

11. Disputes

- 11.1 The power pursuant to Section 43(2) of the Act on an application made in relation to any of the matters specified in Section 43(1) of the Act, to explore any possible avenue of achieving conciliation between the parties and for these purposes, EHA, may as it thinks fit, take any action in accordance with Section 43(3) of the Act;
- 11.2 The power pursuant to Section 43(6) of the Act, to require an applicant, to furnish such further information in relation to the subject matter of the application as EHA thinks necessary, and to verify any information by statutory declaration;
-

Delegation to the Eastern Health Authority Incorporated (The Authority)

- 11.3 The duty pursuant to Section 43(7) of the Act to give the applicant and the respondent reasonable notice of the time and place of any hearing of the application;
 - 11.4 The power pursuant to Section 43(9) of the Act where satisfied that an interim order is justified by the urgent circumstances of the case, to make an interim order pending final resolution of the matter.
 - 11.5 The power pursuant to Section 43(11) of the Act to vary or revoke an order made under Section 43 of the Act;
 - 11.6 The power, pursuant to Section 43(12) of the Act -
 - 11.6.1 to decline to proceed with an application under this Section until satisfied that reasonable steps have been taken to resolve the dispute pursuant to other procedures specified by EHA;
 - 11.6.2 to decline to proceed with an application under this Section if EHA considers that it would be more appropriate for proceedings to be taken in a court or tribunal constituted by law; or
 - 11.6.3 to decline to proceed (or further proceed) with an application under this Section if proceedings related to the subject matter of the application have been commenced in a court or tribunal constituted by law; and
 - 11.7 The duty pursuant to Section 43(13) of the Act in determining any application under this Section, to act with as much expedition as is reasonably practicable in the circumstances.
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12. Attendance by Health Service Providers etc.

- 12.1 The power pursuant to Section 47(1) of the Act to approve a health service provider, social worker, or any person, for the purposes of Section 47.
-

13. Complaints

- 13.1 The power pursuant to Section 49(1) of the Act to receive a complaint about the management of a supported residential facility or any residential-only premises or about the conduct of a resident of a supported residential facility or any residential-only premises.
 - 13.2 The power pursuant to Section 49(2) of the Act to require a complaint to be reduced to writing.
 - 13.3 The power pursuant to Section 49(3) of the Act to take such action as EHA thinks fit in view of the complaint.
 - 13.4 The power pursuant to Section 49(4) of the Act to appoint an authorised officer to carry out an investigation into the circumstances surrounding the complaint and to attempt to resolve the matter as expeditiously as possible.
-

Delegation to the Eastern Health Authority Incorporated (The Authority)

14. Regulations

14.1 Pursuant to Sections 57(5) and (6) of the Act where the proprietor of a facility who holds a licence under the Act applies to EHA for an exemption from a regulation that applies to the facility and EHA is satisfied -

14.1.1 that EHA can grant the exemption without seriously affecting the interests of a resident of the facility; and

14.1.2 that it is appropriate for EHA to grant the exemption in the circumstances of the particular case,

the power to, by notice in writing to the proprietor, exempt the proprietor from the regulation to which the application relates, on such conditions as EHA thinks fit.

14.2 The power pursuant to Section 57(7) of the Act, to, at any time, by further notice to the proprietor:

14.2.1 revoke an exemption under Section 57(5);

14.2.2 vary or revoke a condition under Section 57(6).

SUPPORTED RESIDENTIAL FACILITIES REGULATIONS 2009

Delegation to the Eastern Health Authority Incorporated (The Authority)

15. The duty pursuant to Regulation 4(1) of the Supported Residential Facilities Regulations 2009 ("the Regulations") to decide an application for a licence under Section 24 of the Act within eight weeks of the application being made.
16. The duty pursuant to Regulation 4(2) of the Regulations, in considering an application for a licence in respect of the use of premises (or proposed premises) as a supported residential facility, to take into account the extent to which the premises (or proposed premises) accord with the standards prescribed by or under the Building Code of Australia.
17. The power pursuant to Regulation 5(2) of the Regulations to receive a copy of a prospectus, or a copy of an alteration to a prospectus, and a copy of the written statement required to accompany the prospectus or alteration to the prospectus pursuant to Regulation 5(2)(b) of the Regulations.
18. The power pursuant to Regulation 14(1)(b) of the Regulations to receive information of any untoward medical event that occurs in relation to a resident of a facility.
19. The power pursuant to Regulation 17(2) of the Regulations to approve an acting manager for the purpose of appointment to or otherwise assuming the duties of the office of manager of a facility if, for a period exceeding seven days, a manager is absent from the duties of office, or the position of manager is temporarily vacant and a resident of the facility is in need of personal care services.
20. The power pursuant to Regulation 18(1) of the Regulations to approve a registered nurse as being a person who has appropriate qualifications, skills and experience to oversee the provision of nursing care at a facility.
21. The power pursuant to Regulation 18(2) of the Regulations, if there is a change in the type or level of services provided at a nursing home, to revoke, by notice in writing to the proprietor, an approval under Regulation 18(1) of the Regulations and require that a new appointment be made to ensure that the person who oversees the provision of nursing care at the facility has the qualifications, skills and experience appropriate to the facility.
22. The power pursuant to Regulation 21(1)(b) of the Regulations to approve a kitchen at a facility otherwise than in accordance with the requirements of Regulation 21(1)(b) of the Regulations.
23. The power pursuant to Regulation 21(3)(e) of the Regulations to require the fitting of handrails, ramps and, for a multi-storey building, lifts.
24. The power pursuant to Regulation 24(1) of the Regulations to direct the proprietor of a facility to install a communication system at the facility.
25. The duty pursuant to Regulation 26(2) of the Regulations to remit amounts payable to the indemnity fund under Section 56(4) of the Act to the fund manager within 28 days after the end of the financial year in which they are received by EHA.

CONDITIONS OR LIMITATIONS APPLICABLE TO DELEGATIONS CONTAINED IN THIS INSTRUMENT

Nil

THE FOOD ACT 2001

The Food Act 2001 and the Food Regulations 2002, prescribe “all relevant regulatory subsidiaries” as “enforcement agencies”, where a regional subsidiary has been established in connection with the operation and enforcement of the Food Act 1985 or the Food Act 2001.

The Eastern Health Authority (EHA) is a Regional Subsidiary of the City of Norwood Payneham & St Peters and the Cities of Burnside, Campbelltown, Prospect and the Town of Walkerville that undertakes Environmental and Health Management on behalf of the constituent councils.

In effect, this means that the Eastern Health Authority receives its powers directly from the Food Act 2001 and it is not necessary for a constituent council to delegate its powers under the Food Act 2001 to the Authority.

The Eastern Health Authority was established for the purpose of regulating public health and therefore meets the criteria of the Food Regulations 2002 as an “enforcement agency”.

At its meeting held on 1 August 2016, the Council resolved that:

Enforcement Agency under the Food Act 2001

The Council acknowledges that:

- 5.1 *the Eastern Health Authority (“the Authority”) has been established as a regional subsidiary and is thereby prescribed, pursuant to Section 4 of the Food Act 2001 and in accordance with Regulation 4(1) of the Food Regulations 2002, as an enforcement agency for the purposes of the Food Act 2001;*
- 5.2 *the Authority is completely responsible for the operation and enforcement of the Food Act 2001, within the City of Norwood Payneham & St Peters Local Government Area; and*
- 5.3 *the Chief Executive Officer of the Authority, as the person designated by the Constituent Councils of the Authority as the Principal Officer of the Authority, is, pursuant to Regulation 5 of the Food Regulations 2002, prescribed as the head of an enforcement agency for the purposes of the Food Act 2001.*

AGENDA ITEM NO.: 19.4

TO: Council on 23 August 2016

DIRECTOR: Ginny Moon, Director Corporate Services

REPORT AUTHOR: Jo-Ann Tanti, Manager Governance & Administration

SUBJECT: Review of Delegations to the Eastern Health Authority

1. EXECUTIVE SUMMARY

- 1.1 Section 44 of the *Local Government Act 1999* provides that Council may delegate a power or function vested or conferred under this or another Act. Some other Acts also contain a specific power of delegation.
- 1.2 Delegations made by Council under Section 44 of the *Local Government Act 1999* can be made to a Council committee, a subsidiary of the Council, an employee of the Council, the employee of the Council for the time being occupying a particular office or position or, an authorised person.
- 1.3 A delegation made pursuant to Section 44 of the *Local Government Act 1999* is revocable at will and does not prevent Council from acting in a matter.
- 1.4 As previously agreed the Eastern Health Authority (EHA) has led the review process where it is usual for delegations to be made by Council to EHA and it is appropriate for EHA to make sub-delegations to their relevant employees.

2. RECOMMENDATION

- (1) That having conducted its annual review of the Council's Delegations to the Eastern Health Authority (EHA) in accordance with Section 44(6) of the Local Government Act 1999, the Council:**

1. Revocations

- 1.1 Hereby revokes its previous delegations to the EHA of those powers and functions under the following:
 - 1.1.1 *Environment Protection Act 1993*
 - 1.1.2 *Expiation of Offences Act 1996*
 - 1.1.3 *Housing Improvement Act 1940*
 - 1.1.4 *Local Government Act 1999*
 - 1.1.5 *South Australian Public Health Act 2011* along with the *South Australian Public Health (Legionella) Regulations 2013* and the *South Australian Public Health (Wastewater) Regulations 2013*
 - 1.1.6 *Supported Residential Facilities Act 1992*

1.1.7 *Safe Drinking Water Act 2011*

With effect from 31 August 2016

2. Delegations made under Local Government Act 1999

- 2.1 In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the following Acts and specified in the proposed Instruments of Delegation contained in Appendices 1- 5 of the Report dated 23 August 2016 and entitled Review of Delegations to the Eastern Health Authority (each of which is individually identified as indicated below) are hereby delegated this 23rd of August 2016 to EHA with effect from 31 August 2016 subject to the conditions and or limitations specified herein or in the Schedule of Conditions in each such proposed Instrument of Delegation.
 - 2.1.1 *Environment Protection Act 1993* (Appendix 1); **Attachments 1-4**
 - 2.1.2 *Expiation of Offences Act 1996* (Appendix 2); **Attachments 5-10**
 - 2.1.3 *Housing Improvement Act 1940* (Appendix 3); **Attachments 11-14**
 - 2.1.4 *Safe Drinking Water Act 2011* (Appendix 4); **Attachments 15-19**
 - 2.1.5 *South Australian Public Health Act 2011* along with the South Australian Public Health (Legionella) Regulations 2013, South Australian Public Health (Wastewater) Regulations 2013 and the South Australian Public Health (General) Regulations 2013 (Appendix 5) **Attachments 20-40**
- 2.2 Such powers and functions may be further delegated by EHA in accordance with Section 44 of the *Local Government Act 1999* as EHA sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegation.

3. Delegations under Supported Residential Facilities Act 1992

- 3.1 In exercise of the power contained in Section 9 of the *Supported Residential Facilities Act 1992*, the powers and functions under the *Supported Residential Facilities Act 1992* and the Supported Residential Facilities Regulations 2009 specified in the proposed Instrument of Delegation contained in Appendix 6 to the Report dated 23 August 2016 and entitled Review of Delegations to the Eastern Health Authority are hereby delegated this 23rd of August 2016 to EHA with effect from 31 August 2016 subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Supported Residential Facilities Act 1992*. **Attachments 41-48**
- 3.2 Such powers and functions may be further delegated by EHA as EHA sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Supported Residential Facilities Act 1992*.

4. Enforcement Agency under the Food Act 2001

4.1 The Council acknowledges that:

- 4.1.1 EHA has been established as a regulatory subsidiary and is thereby prescribed, pursuant to Section 4 of the *Food Act 2001* and in accordance with Regulation 4(1) of the Food Regulations 2002, as an enforcement agency for the purposes of the *Food Act 2001*; and
- 4.1.2 EHA is completely responsible for the operation and enforcement of the *Food Act 2001* within the area of City of Prospect;
- 4.1.3 The Chief Executive Officer of EHA, as the person designated by the Constituent Councils of EHA as the principal officer of EHA, is, pursuant to Regulation 5 of the Food Regulations 2002, prescribed as the head of an enforcement agency for the purposes of the Food Act 2001.

5. Prosecutions

- 5.1 In exercise of the powers contained in Section 44 of the *Local Government Act 1999* the Council delegates this 23 August 2016 the powers under Sections 6 and 36(1) of the *Local Government Act 1999* to EHA to commence a prosecution for a breach of the *Housing Improvement Act 1940*, the *South Australian Public Health Act 2011*, the South Australian Public Health (General) Regulations 2013, the South Australian Public Health (Legionella) Regulations 2013, and the South Australian Public Health (Wastewater) Regulations 2013 where those instruments empower the Council to commence prosecution for a breach and to do anything necessary, expedient or incidental to performing or discharging the Council's power with effect from 31 August 2016, and such power may be further delegated by EHA as EHA sees fit.
- 5.2 In exercise of the powers contained in Section 9(2) of the *Supported Residential Facilities Act 1992* and Section 44 of the *Local Government Act 1999* the Council delegates this 23 August 2016 the powers under Sections 6 and 36(1) of the *Local Government Act 1999* and Section 9(1) of the *Supported Residential Facilities Act 1992* to EHA to commence a prosecution for a breach of the *Supported Residential Facilities Act 1992* and/or the Supported Residential Facilities Regulations 2009 where those instruments empower the Council to commence prosecution for a breach and to do anything necessary, expedient or incidental to performing or discharging the Council's power with effect from 31 August 2016, and such power may be further delegated by EHA as EHA sees fit.

3. RELEVANCE TO CORE STRATEGIES / POLICY

3.1 *Local Government Act 1999* – Section 44

3.2 **Core Strategy 5 – Your Council**

5.6 Deliver a responsive, people-focused service.

- 5.7 Provide efficient and effective services using the most appropriate service delivery model and technology.

4. COMMUNITY INVOLVEMENT

- 4.1 Nil.

5. DISCUSSION

Background

- 5.1 Councils have certain duties which they must perform, and certain powers which they may exercise pursuant to the *Local Government Act 1999* as well as a range of other Acts. In most cases the relevant Acts grant those obligations and powers directly to the Council as a body.
- 5.2 It is not practical or efficient for Council as a body of elected members to perform the many functions or undertake the many activities that are required in the day to day administration of Council's roles and functions. Delegations are the way in which Council enables other people/bodies (usually Council officers) to undertake these steps on its behalf.
- 5.3 Therefore it is necessary for Council to take formal steps to delegate to such people/bodies the authority to make decisions, perform functions or undertake activities on behalf of Council.
- 5.4 Section 44 of the *Local Government Act 1999* provides that the Council may delegate a power or function vested or conferred under this or another Act. Some other Acts also contain a specific power of delegation.
- 5.5 Delegations made by the Council under Section 44 of the *Local Government Act 1999* can be made to a Council committee, a subsidiary of the Council, an employee of the Council, the employee of the Council for the time being occupying a particular office or position or, an authorised person.
- 5.6 The Eastern Health Authority (EHA) is a regional subsidiary of five member councils within the eastern region.
- 5.7 As previously agreed the EHA has led the review process where it is usual for delegations to be made by Council to EHA and it is appropriate for EHA to make sub-delegations to their relevant employees.
- 5.8 Delegations need to be clear and well documented to ensure Council's operations are open, transparent and accountable.
- 5.9 The *Local Government Act 1999* requires that council must cause a separate record to be kept of all delegations under Section 44, and should at least once in every financial year review the delegations for the time being in force under this section.
- 5.10 Delegations may be withdrawn, altered or renewed by Council at any time and are subject to constant review during the year.

5.11 In addition, it is important to note that both the wording of the resolution and the instrument of delegation itself are important. It is the resolution which makes the delegation. The resolution is the instrument which sets out the scope of the delegation.

ATTACHMENTS

Instruments of Delegation:

<u>Attachments 1-4:</u>	Appendix 1 Environment Protection Act 1993
<u>Attachments 5-10:</u>	Appendix 2 Expiation of Offences Act 1996
<u>Attachments 11-14:</u>	Appendix 3 Housing Improvement Act 1940
<u>Attachments 15-19:</u>	Appendix 4 Safe Drinking Water Act 2011
<u>Attachments 20-40:</u>	Appendix 5 South Australian Public Health Act 2011
<u>Attachments 41-48:</u>	Appendix 6 Supported Residential Facilities Act 1992

APPENDIX 1

**INSTRUMENT OF DELEGATION UNDER THE
ENVIRONMENT PROTECTION ACT 1993 AND
THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES) POLICY 2010**

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

**POWERS AND FUNCTIONS DELEGATED BY THE COUNCIL IN THIS
INSTRUMENT TO THE EASTERN HEALTH AUTHORITY**

1. The power pursuant to Section 85(3) of the Environment Protection Act 1993 ("the Act"), to appoint authorised officers for the purposes of the Act.
2. The power pursuant to Section 85(4) of the Act to make an appointment under Section 85(3) of the Act subject to conditions to be specified in the instrument of appointment, and subject to conditions prescribed by regulation.
3. The power pursuant to Section 85(5) of the Act to revoke an appointment or to vary or revoke a condition specified in the instrument of such an appointment or impose a further such condition.
4. Site Contamination Assessment Orders <i>Deliberately left blank</i>
5. Site Remediation Orders <i>Deliberately left blank</i>
6. <i>Deliberately left blank</i>

<u>DELEGATIONS UNDER THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES) POLICY 2010</u>	
6A.	<i>Deliberately left blank</i>
7.	The duty pursuant to Clause 17(2) of the Policy to ensure that the following

**INSTRUMENT OF DELEGATION UNDER THE ENVIRONMENT PROTECTION ACT 1993
AND THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES) POLICY 2010**

provisions are complied with in relation to any medical waste received by the Eastern Health Authority:
(a) if any other waste is mixed with medical waste, the other waste is to be dealt with under this clause in the same way as is required in relation to medical waste;
(b) all medical waste must be stored in containers that are weatherproof, shatterproof, insect and vermin proof, and leak proof or, in the case of containers storing only medical sharps or any other sharp articles, leak resistant;
(c) all containers for medical waste that are kept for further use must be thoroughly cleaned and disinfected as soon as reasonably practicable after emptying;
(d) all containers used for the storage or transport of medical waste must be clearly labelled as containing medical waste;
(e) all containers of medical waste must be stored in a secure location;
(f) all necessary equipment required to clean and disinfect the area in case of accidental spillage of medical waste must be readily available and accessible;
(g) discarded medical sharps or any other sharp articles must be contained for disposal in containers that comply with the requirements of the Standards, as amended from time to time, set out in Clause 17(2)(g)(i) of the Policy and the containers must not be subject to compaction by a compacting device nor placed for storage or transport in a portable or mobile compactor;
(h) medical waste must be disposed of as soon as reasonably practicable;
(i) all medical waste must be:
(i) disposed of by incineration; or
(ii) disposed of by such other method of treatment or disposal as is approved by the Authority and subject to such conditions as the Authority thinks fit;
(iii) collected for disposal by -
(A) a licensed waste transporter authorised to collect and transport medical waste; or
(B) a council;

**INSTRUMENT OF DELEGATION UNDER THE ENVIRONMENT PROTECTION ACT 1993
AND THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES) POLICY 2010**

- | | |
|-----|---|
| (j) | before the collection of medical waste for disposal, the transporter must be advised of the nature of the waste, hazards associated with the waste and any precautions that need to be taken during the collection, transport or disposal of the medical waste; |
| (k) | the transporter must be given such assistance as is required to ensure that loading operations are carried out in such a way as to prevent spillage of any medical waste. |

**INSTRUMENT OF DELEGATION UNDER THE ENVIRONMENT PROTECTION ACT 1993
AND THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES) POLICY 2010**

SCHEDULE OF CONDITIONS

**CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
	NIL

APPENDIX 2

INSTRUMENT OF DELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED BY THE COUNCIL IN THIS INSTRUMENT TO THE EASTERN HEALTH AUTHORITY

1. Certain Offences may be Expiated
1.1. The power pursuant to Section 5(1) of the Expiation of Offences Act 1996 ("the Act") to issue an expiation notice under the Act to a person alleged to have committed an offence under:
1.1.1. Housing Improvement Act 1940;
1.1.2. South Australian Public Health Act 2011 along with the South Australian Public Health (General) Regulations 2013, the South Australian Public Health (Legionella) Regulations 2013 and the South Australian Public Health (Wastewater) Regulations 2013;
1.1.3. Supported Residential Facilities Act 1992, and the alleged offence may accordingly be expiated in accordance with the Act.
2. Expiation Notices
2.1 The power pursuant to Section 6(3)(b)(ii) of the Act to authorise a person in writing to give an expiation notice for an alleged offence under:
2.1.1 Housing Improvement Act 1940;
2.1.2 South Australian Public Health Act 2011 along with the South Australian Public Health (General) Regulations 2013, the South Australian Public Health (Legionella) Regulations 2013 and the South Australian Public Health (Wastewater)

INSTRUMENT OF DELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996

	Regulations 2013;
	2.1.3 Supported Residential Facilities Act 1992.
3. Review of Notices on Ground that Offence is Trifling	
3.1	The power pursuant to Section 8A(2) and (3) of the Act to require an alleged offender who is seeking a review of the notice on the ground that the offence is trifling:
3.1.1	to provide further information; and
3.1.2	to provide a statutory declaration verifying the information contained in, or supporting, an application for review.
3.2	The duty pursuant to Section 8A(4) of the Act to determine an application for review before issuing a certificate for an enforcement determination in respect of the offence to which the application relates.
3.3	The duty pursuant and subject to Section 8A(5) and (6) of the Act upon being satisfied the offence is trifling to withdraw the expiation notice in respect of the offence by giving written notice to the alleged offender.
3A. Arrangements as to Manner and Time of Payment	
3A.1	The power pursuant to Section 9(2) of the Act to agree with the Fines Enforcement and Recovery Officer the manner in which the Fines Enforcement Recovery Officer must give Eastern Health Authority (EHA) notice of any arrangement entered into under Section 9 of the Act.
3A.2	The power pursuant to Section 9(12) of the Act, if an arrangement terminates under Section (9), (10) or (11) of the Act, to agree with the Fines Enforcement and Recovery Officer the manner in which the Fines Enforcement and Recovery Officer must give the EHA notice of the termination and the amount then outstanding (taking into account, where the arrangement required the performance of community service, the number of hours of community service so performed).
4. Expiation Reminder Notices	
4.1	The duty pursuant to Section 11 of the Act where an alleged offender has neither paid the expiation fee nor entered into an arrangement under Section 9 of the Act and the Council or EHA has not received a statutory declaration or other document sent to the Council or EHA by the alleged offender in accordance with a notice required by law to accompany the expiation notice, by the end of the expiation period, and before the Delegate takes any action under this Act to enforce the expiation notice, to send an expiation reminder notice in the prescribed

INSTRUMENT OF DELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996

form to the alleged offender before any action is taken under the Act to enforce the expiation notice.
5. Expiation Enforcement Warning Notices
5.1 The duty pursuant to Section 11A of the Act where the Council or EHA has received a statutory declaration or other document sent to the Council or EHA by the alleged offender in accordance with a notice required by law to accompany the expiation notice or expiation reminder notice, and before the Delegate takes action under this Act to enforce the expiation notice, to send an expiation enforcement warning notice, in the prescribed form, to the alleged offender by post.
6. Late Payment
6.1 The power pursuant to Section 12 of the Act to accept late payment of the amount due under an expiation notice at any time before an enforcement determination is made under Section 13 of the Act.
7. Enforcement Determinations
7.1 The power pursuant to Section 13(1) of the Act to enforce an expiation notice against an alleged offender by sending to the Fines Enforcement and Recovery Officer:
7.1.1 a certificate that contains the particulars determined by the Fines Enforcement and Recovery Officer relating to:
7.1.1.1 the alleged offender; and
7.1.1.2 the offence or offences that remain unexpiated; and
7.1.1.3 the amount due under the notice; and
7.1.1.4 compliance by EHA as the authority with the requirements of the Act and any other Act;
7.1.2 the prescribed fee.
7.2 The power pursuant to Section 13(4) of the Act to apply to the Fines Enforcement and Recovery Officer under and in accordance with Section 13 of the Act within 30 days of notice of an enforcement determination being given, sent or published in accordance with Section 13 of the Act for the enforcement determination to be revoked.
8. Withdrawal of Expiation Notices

INSTRUMENT OF DELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996

8.1	The power pursuant to Section 16(1) of the Act, to withdraw an expiation notice with respect to all or any of the alleged offences to which an expiation notice relates where:
8.1.1	in the opinion of the Delegate the alleged offender did not commit the offence or offences, or that the notice should not have been given with respect to the offence or offences;
8.1.2	the Council or EHA as issuing authority receives a statutory declaration or other document sent to the Council or EHA by the alleged offender in accordance with a notice required by law to accompany the expiation notice or expiation reminder notice; or
8.1.3	the notice is defective; or
8.1.4	the Delegate decides that the alleged offender should be prosecuted for the offence or offences.
8.2	The power pursuant to Section 16(5) of the Act, where an expiation notice is withdrawn under subsection (1), to commence prosecution for an offence to which the notice related.
8.3	The duty pursuant to Section 16(6) of the Act, subject to Section 16(7) of the Act, to withdraw an expiation notice if it becomes apparent that the alleged offender did not receive the notice until after the expiation period, or has never received it, as a result of error on the part of the Council or EHA as issuing authority or failure of the postal system.
8.4	The duty pursuant to Section 16(11) of the Act, where an expiation notice is withdrawn under Section 16 of the Act and the notice of withdrawal does not specify that the notice is withdrawn for the purposes of prosecuting the alleged offender, and if an enforcement determination has been made under Section 13 of the Act, to inform the Fines and Enforcement Recovery Officer of the withdrawal of the notice.
9.	Provision of Information
9.1	The power pursuant to Section 18 of the Act to enter into an agreement with the Fines Enforcement and Recovery Officer in relation to:
9.1.1	the manner in which the Fines Enforcement and Recovery Officer is to provide information to EHA in relation to action taken by the Fines Enforcement and Recovery Officer under the Act in respect of an expiation notice issued by EHA as a delegate of the Council; and
9.1.2	the manner in which EHA is to provide information to the Fines

INSTRUMENT OF DELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996

Enforcement and Recovery Officer in relation to the issuing of an expiation notice by EHA as a delegate of the Council or any other action taken by EHA as a delegate of the Council in respect of an expiation notice so issued.

Attachment

INSTRUMENT OF DELEGATION UNDER THE EXPIRATION OF OFFENCES ACT 1996**SCHEDULE OF CONDITIONS****CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
	NIL

APPENDIX 3

INSTRUMENT OF DELEGATION UNDER THE HOUSING IMPROVEMENT ACT 1940

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED BY THE COUNCIL IN THIS INSTRUMENT TO THE EASTERN HEALTH AUTHORITY

1. Power to Declare Houses Unfit for Habitation
1.1 The power pursuant to Section 23(1) of the Housing Improvement Act 1940 ("the Act"): <ul style="list-style-type: none">1.1.1 to make due inquiries and obtain such reports as the Delegate deems necessary to be satisfied that any house is undesirable for human habitation or is unfit for human habitation;1.1.2 to declare that the house -<ul style="list-style-type: none">1.1.2.1 is undesirable for human habitation; or1.1.2.2 is unfit for human habitation.
1.2 The duty pursuant to Section 23(2) of the Act where any house has been declared undesirable or unfit for human habitation - <ul style="list-style-type: none">1.2.1 to serve on the owner of the house a declaration together with a written statement setting out particulars of the deficiencies and directing the owner, within a specified time (being not less than one month after the service of the declaration) -<ul style="list-style-type: none">1.2.1.1 to carry out such work in respect of the house (including, if so directed, partial demolition) as is directed in the notice; or1.2.1.2 if the Delegate is of the opinion that it is impracticable to make the house desirable or fit for human

INSTRUMENT OF DELEGATION UNDER THE HOUSING IMPROVEMENT ACT 1940

habitation, to demolish the house; and	
1.2.2 to serve a copy of the declaration, statement and direction on any occupier of the house and on every registered mortgagee of the land on which the house is situated; and	
1.3	The power pursuant to Section 23(2) of the Act where any house has been declared undesirable or unfit for human habitation -
1.3.1	if the direction is to demolish, to serve on the occupier (if any) a written notice requiring the occupier to vacate the house within a specified period being not less than one month after service; and
1.3.2	where the direction requires any work to be carried out in respect of the house, to serve on any occupier (if any) a written notice to vacate the house within a specified period being not less than one month after service, unless the house is, to the satisfaction of the Delegate, made to comply with the directions given by the Delegate before the expiration of the specified period.
1.4	The power pursuant to Section 23(3) of the Act to certify in writing that the house that has been declared undesirable for human habitation or unfit for human habitation complies with the direction given by the Delegate and in the time specified in the direction under Section 23(2)(c) or (d).
1.5	The power pursuant to Section 23(5) of the Act where an owner fails to comply with any direction under Section 23 within the time specified in the direction –
1.5.1	to do anything that is necessary to make the house comply with the direction or demolish the house;
1.5.2	to recover any expenses incurred from the owner of the house;
1.5.3	to sell or dispose of any material taken from the house;
1.6	The duty pursuant to Section 23(5)(d) of the Act to apply the proceeds of any sale for or towards the expenses incurred by the Council and pay any surplus (if any) in discharge of the mortgage or encumbrance of any registered mortgagee of the land in accordance with their respective priorities and to pay any remaining balance to the owner.
2.	Power of Housing Authority
2.1	The power pursuant to Section 25(1) of the Act to consult with the Housing Authority and the duty pursuant to Section 25(1) of the Act, if required by the Housing Authority by notice in writing, within the time

INSTRUMENT OF DELEGATION UNDER THE HOUSING IMPROVEMENT ACT 1940

specified in the notice, to make a declaration pursuant to Section 23 of the Act with respect to the house in the form required by the Housing Authority and to give any direction or notice or otherwise exercise any power under Section 23 in the manner required by the Housing Authority.
3. Power to Declare Clearance Area
3.1 The power pursuant to Section 33(3)(a)(i) of the Act to consult with the Housing Authority where the Housing Authority is intending to submit a recommendation to the Governor under Section 33 of the Act; and
3.2 The power pursuant to Section 33(b) to make any objections to the Housing Authority, in relation to such recommendation.
4. Powers of Entry and Inspection
4.1 The power pursuant to Section 67 of the Act to authorise persons to enter into and upon any premises at any reasonable hour for the purposes of -
4.1.1 examining the condition, standard of sanitation and hygiene, and state of repair of the premises;
4.1.2 ascertaining whether any of the provisions of the Act are being or have been contravened;
4.1.3 executing any work authorised to be executed or made by or under the Act;
4.1.4 generally, enforcing the provisions of the Act.
5. Dispossession of occupiers failing to vacate premises when required to do so
5.1 The power pursuant to Section 71 of the Act, where any person, after he has been required under the Act by the Council to vacate a house or building, and the person refuses or neglects to vacate the same, to apply and to authorise a person to apply upon a complaint to be laid by him, in the form set out in Schedule 1 to the Act or to the like effect, to any justice, for the justice to issue a summons in the form set out in Schedule 2 to the Act or to the like effect calling upon the occupier of such house or building to appear at a time and place to be therein specified before a court of Summary Jurisdiction consisting of a special magistrate, sitting without any other justice or justices, which court may hear and determine the matter of the complaint in a summary way in the absence of the occupier or otherwise.

INSTRUMENT OF DELEGATION UNDER THE HOUSING IMPROVEMENT ACT 1940**SCHEDULE OF CONDITIONS****CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
	NIL

APPENDIX 4

INSTRUMENT OF DELEGATION UNDER THE SAFE DRINKING WATER ACT 2011

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED BY THE COUNCIL IN THIS INSTRUMENT TO THE EASTERN HEALTH AUTHORITY

5. Drinking water providers to be registered
(2) The power pursuant to Section 5(2)(a) and (b) of the Safe Drinking Water Act 2011 (the Act) and in accordance with Section 5(3) of the Act to make an application for registration of the Council under the Act to the Minister and in a manner and form determined by the Minister.
8. Conditions of registration
(3) The power pursuant to Section 8(3) of the Act where the Council holds a registration, to make application to the Minister in a manner and form determined by the Minister, requesting the variation of a condition to which the registration is subject.
9. Suspension of registration
(5) The power pursuant to Section 9(5) of the Act after the Council or the Eastern Health Authority (EHA) has received notice from the Minister, lodge with the Minister a written objection (setting out the grounds of objection).
(6) The power pursuant to Section 9(5) of the Act to make submissions to the Minister in relation to the matter.
(10) The power pursuant to Section 9(10) of the Act where the Council's registration has been suspended to make application to the Minister for the cancellation of the suspension.
10. Appeals
(1) The power pursuant to Section 10(1) of the Act and in accordance with

**INSTRUMENT OF DELEGATION UNDER THE
SAFE DRINKING WATER ACT 2011**

Section 10(2) of the Act, to appeal to the District Court against:
(a) a condition imposed by the Minister in relation to a registration under Part 2 of the Act;
(b) a variation of a condition of registration made by the Minister on the Minister's own initiative; or
(c) a decision of the Minister to refuse to grant an application to vary a condition of registration; or
(d) a decision of the Minister to suspend a registration under Part 2 of the Act.
12. Drinking water providers to prepare, implement and review risk management plans
(1) The power pursuant to Section 12(1) of the Act and in accordance with Section 13 of the Act, to:
(a) prepare a risk management plan in relation to the supply of drinking water to the public; and
(b) keep the plan under continuous review with a view to updating and improving it; and
(c) revise any aspect of the plan that is found, on review, to need revision.
(3) The power pursuant to Section 12(3) of the Act, if a standard risk management plan is in place under Section 12(2) of the Act and the Council falls within the specified class to which the standard risk management plan applies, to, subject to any requirement published by the Chief Executive in connection with the risk management plan and in a manner and form determined by the Chief Executive, adopt the standard risk management plan rather than preparing a separate plan under Section 12(1)(a) of the Act.
14. Related matters
(2) The power pursuant to Section 14(2) of the Act, to furnish to the Minister in a manner and form determined by the Minister a copy of the Council's monitoring program and incident identification and notification protocol.
(3) (b) The power pursuant to Section 14(3)(b) of the Act to consult with the Minister in relation to alterations to the program or protocol (or both) submitted for the purposes of Section 14 of the Act.
(4) The power pursuant to Section 14(4) of the Act and in accordance with

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Section 14(5) of the Act, where the Council is required to make an alteration under Section 14(3), to appeal to the District Court against the requirement.
34. Appointment of authorised officers
(1) <i>Deliberately left blank</i>
(2) <i>Deliberately left blank</i>
35. Certificates of authority
(1) <i>Deliberately left blank</i>
(2) <i>Deliberately left blank</i>
37. Seizure orders
(3) (a) <i>Deliberately left blank</i>
(d) <i>Deliberately left blank</i>
38. Notices
(1) <i>Deliberately left blank</i>
(6) The power pursuant to Section 38(6) of the Act to, by written notice served on a person to whom a notice under Section 38 has been issued by the Council, vary or revoke the notice.
39. Action or non-compliance with a notice
(1) The power pursuant to Section 39(1) of the Act, if the requirements of a notice under Division 3 of the Act by the Council are not complied with, to take any action required by the notice.
(2) The power pursuant to Section 39(2) of the Act to authorise another person to take action under Section 39(1) of the Act on the Council's behalf.
(4) The power pursuant to Section 39(4) of the Act to recover the reasonable costs and expenses incurred by the Council in taking action under Section 39 of the Act from the person who failed to comply with the requirements of the notice as a debt in a court of competent jurisdiction.
(5) The power pursuant to Section 39(5) of the Act, if an amount is recoverable from a person by the Council under Section 39 of the Act, 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

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person.
40. Action in emergency situations
(5) The power pursuant to Section 40(5) of the Act to recover the reasonable costs and expenses incurred by an authorised officer of the Council in taking action under Section 40 of the Act as a debt in a court of competent jurisdiction.
41. Specific power to require information
(1) <i>Deliberately left blank</i>
42. Appeals
(3) The power pursuant to Section 42(3) of the Act to apply for the Council to be a party to proceedings under Section 42 of the Act.
52. Annual reports by enforcement agencies
(1) The power pursuant to Section 52(1) of the Act to on or before 30 September in each year, furnish to the Minister a report on the activities of the Council under the Act during the financial year ending on the preceding 30 June.

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APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Section(s) in Act to which conditions/ limitations apply	Conditions / Limitations

APPENDIX 5

INSTRUMENT OF DELEGATION UNDER THE SOUTH AUSTRALIAN PUBLIC HEALTH ACT 2011 AND SOUTH AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013, SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013 AND SOUTH AUSTRALIAN PUBLIC HEALTH (GENERAL) REGULATIONS 2013

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED BY THE COUNCIL IN THIS INSTRUMENT TO THE EASTERN HEALTH AUTHORITY

1. Power to Require Reports
1.1 The power pursuant to Section 18(2) of the South Australian Public Health Act 2011 (the Act) to, if required by the Minister, provide a report on any matter relevant to the administration or operation of the Act.
1.2 The power pursuant to Section 18(3) of the Act to, if required by the Minister, in a case involving the Council provide a combined report with 1 or more other councils.
1.3 The power pursuant to Section 18(5) of the Act to provide the report in accordance with the requirements of the Minister.
2. Risk of Avoidable Mortality or Morbidity
2.1 The power pursuant to Section 22(2) of the Act, if the Eastern Health Authority (EHA) and/or the Council receives a request under Section 22(1) of the Act, to consider the request and then respond in accordance with Section 22(3) of the Act to the Chief Public Health Officer within a reasonable time.
2.2 The power pursuant to Section 22(3) of the Act to include in a response under Section 22(2) of the Act details about:
2.2.1 any steps already being taken by EHA and/or the Council that may be relevant in the circumstances; and

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2.2.2	any plans that EHA and/or the Council may have that may be relevant in the circumstances; and
2.3	any steps that EHA and/or the Council is willing to take in the circumstances; and
2.4	any other matter relating to EHA and/or the Council that appears to be relevant.
3. Cooperation Between Councils	
3.1	The power pursuant to Section 39(1) of the Act to, in performing the Council's functions or exercising the Council's powers under the Act, act in conjunction or partnership with, or cooperate or coordinate the Council's activities with, 1 or more other councils
3.2	The power pursuant to Section 39(2) of the Act to, if requested by the Chief Public Health Officer, cooperate with 1 or more other councils.
3.3	The power pursuant to Section 39(3) of the Act to, if the Council receives a request under Section 39(2) of the Act, within 28 days after receiving the request or such longer period as the Chief Public Health Officer may specify, furnish the Chief Public Health Officer with a written report on the action that the Council intends to take in response to the request.
4. Power of Chief Public Health Officer to Act	
4.1	The power pursuant to Section 40(2) of the Act to consult with the Chief Public Health Officer.
5. Council Failing to Perform a Function Under Act	
5.1	The power pursuant to Section 41(1) of the Act to consult with the Minister in relation to the Minister's opinion that the Council has failed, in whole or in part, to perform a function conferred on the Council under the Act.
5.2	The power pursuant to Section 41(6) of the Act to:
5.2.1	make written submissions to the Minister in relation to the matter within a period specified by the Minister; and
5.2.2	request in the written submissions to the Minister that the Minister discuss the matter with a delegation representing the Council; and
5.2.3	appoint a delegation representing the Council to discuss the matter

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with the Minister.	
6. Transfer of Function of Council at Request of Council	
6.1	The power pursuant to Section 42(1) of the Act to request, in accordance with Section 42(2), of the Act that a function of the Council under the Act be performed by the Chief Public Health Officer.
6.2	The power pursuant to Section 42(10) of the Act to enter into an agreement with the Minister for the Minister to recover costs and expenses associated with the Chief Public Health Officer acting under Section 42 of the Act.
6.3	The power pursuant to Section 42(11) of the Act to request that the Minister vary or revoke a notice under Section 42 of the Act.
6.4	The power pursuant to Section 42(11) of the Act to consult with the Minister in relation to the Minister varying or revoking a notice under Section 42 of the Act.
7. Local Authorised Officers	
7.1	The power pursuant to Section 44(1) of 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.
7.2	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.
7.3	The power pursuant to Section 44(4) of the Act to direct a local authorised officer.
7.4	The power pursuant to Section 44(6) of the Act to vary or revoke an appointment at any time.
7.5	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:
7.5.1	makes an appointment under Section 44 of the Act; or
7.5.2	revokes an appointment under Section 44 of the Act.
7.6	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

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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.
8. Identity Cards
8.1 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:
8.1.1 containing the person's name and a photograph of the person; and
8.1.2 stating that the person is an authorised officer for the purposes of the Act; and
8.1.3 setting out the name or office of the issuing authority.
9. Specific Power to Require Information
9.1 The power pursuant to Section 49(1) of the Act to require a person to furnish such information relating to public health as may be reasonably required for the purposes of the Act.
10. Regional Public Health Plans
10.1 The power pursuant to Section 51(1) of the Act to in accordance with Sections 51(2), (5), (6), (8), (9), (11), (12), (13) and (15) of the Act prepare and maintain a plan or, if the Minister so determines or approves, with a group of councils, prepare and maintain a plan, for the purposes of the operations of the Council or Councils under the Act (a regional public health plan).
10.2 The power pursuant to Section 51(10) of the Act, to, subject to Section 51(11), amend a regional public health plan at any time.
10.3 The power pursuant to Section 51(11) of the Act to, in relation to any proposal to create or amend a regional public health plan:
10.3.1 prepare a draft of the proposal; and
10.3.2 when the draft plan is completed, subject to Section 51(12) of the Act:
10.3.2.1 give a copy of it to:
(a) the Minister; and

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	(b) any incorporated hospital established under the <i>Health Care Act 2008</i> that operates a facility within the region; and
	(c) any relevant public health partner authority under Section 51(23); and
	(d) any other body or group prescribed by the regulations; and
10.3.2.2 take steps to consult with the public.	
10.4	The power pursuant to Section 51(12) of the Act to, if required by the Minister, consult with the Minister, or any other person or body specified by the Minister, before the Council or EHA releases a draft plan under Section 51(11).
10.5	The power pursuant to Section 51(13) of the Act to, before bringing a regional public health plan into operation, submit the plan to the Chief Public Health Officer for consultation.
10.6	The power pursuant to Section 51(15) of the Act to take into account any comments made by the Chief Public Health Officer, SAPHC, and any other body within the ambit of a determination under Section 51(14) of the Act, at the conclusion of the consultation processes envisaged by Sections 51(13) and (14).
10.7	The power pursuant to Section 51(16) of the Act to then adopt a plan or amend a plan with or without alteration.
10.8	<i>Deliberately left blank.</i>
10.9	The power pursuant to Section 51(18) of the Act to provide in a regional public health plan, by agreement with the public health partner authority, for a public health partner authority to take responsibility for undertaking any strategy, or for attaining any priority or goal, under the plan.
10.10	The power pursuant to Section 51(19) of the Act to review a regional public health plan at least once in every 5 years.
10.11	The power pursuant to Section 51(20) of the Act to, in preparing and reviewing the Council's regional public health plan insofar as is reasonably practicable, give due consideration to the plans of other councils insofar as this may be relevant to issues or activities under the Council's plan.
10.12	The power pursuant to Section 51(21) of the Act to, when performing

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	functions or exercising powers under the Act or any other Action on behalf of the Council, insofar as may be relevant and reasonable, have regard to the State Public Health Plan, any regional public health plan that applies within the relevant area and any other requirement of the Minister, and in particular to give consideration to the question whether the Council or EHA should implement changes to the manner in which, or the means by which, the Council or EHA performs a function or exercises a power or undertakes any other activity that has been identified in the State Public Health Plan as requiring change.
11. Reporting on Regional Public Health Plans	
11.1	The power pursuant to Section 52(1) of the Act to, in relation to a regional health plan for which the Council is responsible, on a 2 yearly basis, prepare a report that contains a comprehensive assessment of the extent to which, during the reporting period, the Council has succeeded in implementing its regional public health plan to the Chief Public Health Officer in accordance with Sections 52(2), (3) and (4) of the Act.
12. Action to Prevent Spread of Infection	
12.1	The power pursuant to Section 66(6) of the Act to recover as a debt costs and expenses reasonably incurred in exercising powers under Section 66(5) of the Act from the person who failed to take the required action.
12.2	The power pursuant to Section 66(9) of the Act to, if the Chief Public Health Officer informs the Council of the occurrence of a disease constituting a notifiable condition, take such action as is reasonably open to EHA to assist in preventing the spread of the disease.
13. Notices	
13.1	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:
13.1.1	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
13.1.2	averting, eliminating or minimising a risk, or a perceived risk, to public health.
13.2	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:

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13.2.1 have regard to:
13.2.1.1 the number of people affected, or potentially affected, by the breach of the duty;
13.2.1.2 the degree of harm, or potential degree of harm, to public health on account of the breach of the duty;
13.2.1.3 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 EHA thinks fit; and
13.2.2 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:
13.2.2.1 stating the proposed action, including the terms of the proposed notice and the period within which compliance with the notice will be required; and
13.2.2.2 stating the reasons for the proposed action; and
13.2.2.3 inviting the person show, within a specified time (of a reasonable period), why the proposed action should not be taken (by making representations to EHA or a person nominated to act on behalf of the Council).
13.3 The power pursuant to Section 92(2)(b)(iii) of the Act to nominate a person to act on behalf of the Council.
13.4 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:
13.4.1 issue a notice in accordance with the terms of the original proposal; or
13.4.2 issue a notice with modifications from the terms of the original proposal; or
13.4.3 determine not to proceed further under Section 92.
13.5 The power pursuant to Section 92(4) of the Act to:
13.5.1 not give notice under Section 92(2)(b) of the Act if the Delegate

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	considers that urgent or immediate action is required in the circumstances of the particular case; and
13.5.2	not give further notice before issuing a notice with modifications under Section 92(3)(b) of the Act.
13.6	The power pursuant to Section 92(5) of the Act issue a notice under Section 92 of the Act:
13.6.1	in the form of a written notice served on the person to whom it is issued; and
13.6.2	specifying the person to whom it is issued (whether by name or by a description sufficient to identify the person); and
13.6.3	directing 2 or more persons to do something specified in the notice jointly; and
13.6.4	without limiting any other provision, in the case of a notice that relates to the condition of any premises, to any person who:
13.6.4.1	is the owner or occupier of the premises; or
13.6.4.2	has the management or control of the premises; or
13.6.4.3	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
13.6.5	stating the purpose for which the notice is issued and giving notice of the requirement or the risk to which it relates; and
13.6.6	imposing any requirement reasonably required for the purpose for which the notice is issued including 1 or more of the following:
13.6.6.1	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;
13.6.6.2	a requirement that the person not carry on a specified activity except at specified times or subject to specified conditions;
13.6.6.3	a requirement that the person take specified action in a specified way, and within a specified period or at

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	specified times or in specified circumstances;
13.6.6.4	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;
13.6.6.5	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;
13.6.6.6	a requirement that the person undertake specified tests or monitoring;
13.6.6.7	a requirement that the person furnish to a relevant authority specified results or reports;
13.6.6.8	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;
13.6.6.9	a requirement prescribed under or for the purposes of the regulations; and
13.6.7	stating that the person may, within 14 days, apply for a review of the notice or institute an appeal against the notice under the provisions of the Act.
13.7	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 EHA or the Council, vary or revoke the notice.
13.8	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 EHA issues a notice under Section 92 of the Act.
14.	Action on Non-compliance with Notice
14.1	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.
14.2	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

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the Act.	
14.3	The power pursuant to Section 93(4) of the Act to recover the reasonable costs and expenses incurred by EHA or 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.
14.4	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.
15. Action in Emergency Situations	
15.1	The power pursuant to Section 94(5) of the Act to recover the reasonable costs and expenses incurred by a local authorised officer in taking action under Section 94 from any person who caused the risk to which the action relates, as a debt.
16. Reviews – Notices Relating to General Duty	
16.1	The power pursuant to Section 95(13) of the Act to appear in proceedings before the Review Panel as a representative of the Council.
16.2	The power pursuant to Section 95(15) of the Act to make an application to the Review Panel to:
16.2.1	dismiss or determine any proceedings that appear:
16.2.1.1	to be frivolous or vexatious; or
16.2.1.2	to have been instituted for the purpose of delay or obstruction, or for some other improper purpose;
16.2.2	bring any proceedings to an end that appear:
16.2.2.1	to be more appropriate suited to proceedings before the District Court rather than the Review Panel; or
16.2.2.2	to be unable to be satisfactorily resolved (or resolved within a reasonable period) by proceedings before the Review Panel; or
16.2.3	bring any proceedings to an end for any other reasonable cause.

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17. Appeals

- 17.1 The power pursuant to Section 96(3) of the Act and subject to Section 96(4) of the Act, appeal to the District Court against the outcome of review proceedings under Division 3, Part 12 of the Act.

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18. Duty to Register High Risk Manufactured Water System

- 18.1 The power pursuant to Regulation 5(3) of the South Australian Public Health (Legionella) Regulations 2013 (**the Legionella Regulations**) to, on application made in a manner and form approved by the Council or EHA and payment of the registration fee specified in Schedule 1 to the Council or EHA, register the high risk manufactured water system to which the application relates.
- 18.2 The power pursuant to Regulation 5(6) of the Legionella Regulations, to, on application made in a manner and form approved by the Council or EHA and payment of the renewal fee specified in Schedule 1 to the Council or EHA, renew the registration of the high risk manufactured water system to which the application relates.

19. Register of High Risk Manufactured Water Systems

- 19.1 The power pursuant to Regulation 6(2) of the Legionella Regulations and subject to Regulation 6(3) of the Legionella Regulations to determine the manner and form of a register of high risk manufactured water systems registered by EHA and/or the Council.
- 19.2 The power pursuant to Regulation 6(3) of the Legionella Regulations to include in relation to each high risk manufactured water system on the register:
- 19.2.1 the type of water system; and
- 19.2.2 the address of the premises on which the water system is installed; and
- 19.2.3 the location of the water system on the premises; and
- 19.2.4 the full name and residential and business addresses of the owner

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of the premises; and	
19.2.5	the full name, residential and business addresses, and residential and business telephone numbers, of the person nominated by the owner of the premises as being responsible for the operation and maintenance of the water system,
and such other information as EHA thinks fit.	
19.3	The power pursuant to Regulation 15(2) of the Legionella Regulations to, at least once in every 12 months, give the owner of each of the premises on which a high risk manufactured water system registered with EHA and/or the Council is installed, written notice:
19.3.1 requiring the owner, within the period specified in the notice:	
19.3.1.1 to cause an inspection of the water system to be carried out by a competent person (not being the owner or person responsible for the operation and maintenance of the system); and	
19.3.1.2 to arrange for a NATA accredited laboratory to conduct microbiological testing, in accordance with AS/NZS 3896:	
(a) of at least 1 sample of water taken from a cooling water system; and	
(b) of at least 2 samples of water taken from a warm water system,	
to determine the presence and number of colony forming units of Legionella in the water; and	
19.4	requiring the owner to submit to the Council or EHA written reports setting out the findings of the inspection and the results of the microbiological testing within 1 month of receiving the reports.
20. Power of Council to Require Microbiological Testing in Other Circumstances	
20.1	The power pursuant to Regulation 16(1) of the Legionella Regulations, if:
20.1.1	the Council or EHA is investigating the occurrence of Legionellosis in the near vicinity of premises on which a high risk manufactured water system is installed; or

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<p>20.1.2 the Council or EHA has reason to believe that a high risk manufactured water system installed on premises situated in its area is not being maintained as required by these regulations,</p> <p>to give the owner of the premises written notice:</p>
<p>20.1.3 requiring the owner (either immediately or within a period specified in the notice) to arrange for a NATA accredited laboratory to conduct microbiological testing, in accordance with AS/NZS 3896, of water taken from the system, to determine the presence and number of colony forming units of Legionella in the water; and</p>
<p>20.1.4 requiring the owner to submit to EHA or the Council a written report setting out the results of the microbiological testing within 24 hours of receiving the report.</p>
21. Fees
<p>21.1 The power pursuant to Regulation 21(3) of the Legionella Regulations, if a person is liable to pay a fee to EHA or the Council, to give the person written notice requiring the person to pay the fee within the period specified in the notice.</p>
<p>21.2 The power pursuant to Regulation 21(4) of the Legionella Regulations, to reduce or remit a fee payable to EHA or the Council under the Legionella Regulations if satisfied that it is appropriate to do so in a particular case.</p>
<p>21.3 The power pursuant to Regulation 21(5) of the Legionella Regulations, to recover a fee payable to EHA or the Council under the Legionella Regulations by action in a court of competent jurisdiction as a debt due to the Council.</p>

**SOUTH AUSTRALIAN PUBLIC HEALTH
(WASTEWATER) REGULATIONS 2013**

22. Relevant Authority
<p>22.1 The power pursuant to Regulation 6(1)(b) of the South Australian Public Health (Wastewater) Regulations 2013 (the Wastewater Regulations) to, agree to act as the relevant authority for a matter relating to an on-site wastewater system with a capacity that does not, or will not, on completion of wastewater works, exceed 40 EP and that is located or to be located in another council area if the system is to be operated by another council or wastewater works related to the system are to be undertaken by another</p>

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council, or by a person acting in partnership, or in conjunction with that other council.
23. Public Notification of Proposed Community Wastewater Management System
23.1 <i>Deliberately left blank.</i>
24. Connection to Community Wastewater Management System
24.1 <i>Deliberately left blank.</i>
24.1.1 <i>Deliberately left blank.</i>
24.1.2 <i>Deliberately left blank.</i>
24.1.2.1 <i>Deliberately left blank.</i>
24.1.2.2 <i>Deliberately left blank.</i>
24.2 <i>Deliberately left blank.</i>
24.3 <i>Deliberately left blank.</i>
24.4 <i>Deliberately left blank.</i>
24.5 <i>Deliberately left blank.</i>
25. Exemptions
25.1 The power pursuant to Regulation 10(3) of the Wastewater Regulations to give an exemption by written notice and subject to conditions determined by EHA and stated in the notice.
25.2 The power pursuant to Regulation 10(4) of the Wastewater Regulations to vary or revoke an exemption by further written notice to the holder of the exemption.
26. Exemptions From Prescribed Codes
26.1 The power pursuant to Regulation 15(3) of the Wastewater Regulations to give an exemption by written notice and is subject to conditions determined by EHA and stated in the notice.
26.2 The power pursuant to Regulation 15(5) of the Wastewater Regulations to vary or revoke an exemption by further written notice to the holder of the

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exemption.
27. Application
27.1 The power pursuant to Regulation 23(2) of the Wastewater Regulations to, by written notice, ask the applicant to provide EHA or the Council with further technical specifications, information or documents relevant to the application or to modify the technical specifications submitted for approval.
28. Determination of Application
28.1 The power pursuant to Regulation 24(1) of the Wastewater Regulations to refuse to grant a wastewater works approval:
28.1.1 if the applicant fails to satisfy EHA of either or both of the following:
28.1.1.1 that the technical specifications for the wastewater works comply with the prescribed codes;
28.1.1.2 that the wastewater works will not, if undertaken in accordance with the conditions of approval, adversely affect or threaten public or environmental health; or
28.1.2 for any other sufficient reason.
28.2 The power pursuant to Regulation 24(2) of the Wastewater Regulations, if an application for a wastewater works approval relates to the connection of a community wastewater management system to SA Water sewerage infrastructure or a significant increase in the amount of wastewater to be discharged from a community wastewater management system to SA Water sewerage infrastructure, to give SA Water a reasonable opportunity to comment on the application and take into account any comments so made.
29. Conditions of Approval
29.1 The power pursuant to Regulation 25(2) of the Wastewater Regulations to impose:
29.1.1 any 1 or more of the following prescribed expiable conditions:
29.1.1.1 a condition that sets out mandatory notification stages during the progress of wastewater works when a person is required to notify EHA and/or the Council in a specified manner and stop the work pending an

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	inspection carried out at the person's expense;
29.1.1.2	a condition that requires the display of specified notices on the premises on which the wastewater system is located;
29.1.1.3	a condition that requires a person to monitor the performance of the wastewater system in a specified manner (including by inspections carried out at specified times at the person's expense) and to provide EHA and/or the Council with specified information in a specified manner and at specified times;
29.1.1.4	a condition that provides that specified material must not, or that only specified material may, be discharged into, or from, the wastewater system;
29.1.1.5	a condition that requires the wastewater system to be operated, maintained or serviced by a person of a specified class;
29.1.1.6	a condition that requires records of a specified kind to be created, maintained, and provided to EHA and/or Council; or
29.1.2	any other conditions including any 1 or more of the following:
29.1.2.1	a condition that requires decommissioning of the wastewater system:
(a)	after a specified trial period; or
(b)	in specified circumstances; or
(c)	on written notice to the operator of the system;
29.1.2.2	a condition that requires a wastewater system to be connected to a community wastewater management system;
29.1.2.3	a condition that prevents activities that would adversely affect the operation or maintenance of a drain or treatment or disposal system or the reuse of wastewater from the wastewater system;
29.1.2.4	a condition that requires a wastewater system to have

**INSTRUMENT OF DELEGATION UNDER THE SOUTH
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	various access points for maintenance or inspection (raised to or terminating at surface level, or as required by EHA or the Council);
29.1.2.5	a condition that provides that a wastewater system must not be used unless or until it has been inspected or tested by an independent wastewater engineer and the Council EHA supplied with a certificate given by that expert certifying that the wastewater works have been undertaken in accordance with the approved technical specifications;
29.1.2.6	a condition that otherwise specifies requirements relating to:
	(a) the installation of the wastewater system; or
	(b) the decommissioning of the wastewater system; or
	(c) the connection of the wastewater system to a community wastewater management system or SA Water sewerage infrastructure or the disconnection of the wastewater system from a community wastewater management system or from SA Water sewerage infrastructure; or
	(d) the operation, servicing and maintenance of the wastewater system; or
	(e) the reuse or disposal of wastewater from the wastewater system.
29.2	The power pursuant to Regulation 25(3) of the Wastewater Regulations to impose a condition of approval that:
29.2.1	provides that a matter or thing is to be determined according to the discretion of the Council, EHA, or some other specified person or body; and
29.2.2	operates by reference to the manuals referred to in a product approval for the wastewater system; and
29.2.3	operates by reference to a specified code as in force at a specified time or as in force from time to time.
29.3	The power pursuant to Regulation 25(6) of the Wastewater Regulations to,

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	on application and payment of the fee fixed by Schedule 1, by written notice to the applicant, vary or revoke a condition of a wastewater works approval.
29.4	The power pursuant to Regulation 25(7) of the Wastewater Regulations to, on EHA's own initiative, by written notice to the operator of a wastewater system to which a wastewater works approval applies, vary or revoke a condition of the approval or impose a further condition, provided that the variation, revocation or imposition does not take effect until at least 6 months after the giving of the notice unless:
29.4.1	the operator consents; or
29.4.2	EHA states in the notice that, in his/her opinion, the variation, revocation or imposition is necessary in order to prevent or mitigate significant harm to public or environmental health or the risk of such harm.
30.	Expiry of Approval
30.1	The power pursuant to Regulation 26(2) of the Wastewater Regulations to, on application and payment of the fee fixed by Schedule 1, postpone the expiry of a wastewater works approval for a specified period.
31.	Registers of Wastewater Works Approvals
31.1	The power pursuant to Regulation 27(3) of the Wastewater Regulations, to extend the registers to include wastewater works approvals granted under the revoked regulations.
31.2	The power pursuant to Regulation 27(6) of the Wastewater Regulations to include in the registers other information considered appropriate by the EHA.
32.	Requirement to Obtain Expert Report
32.1	The power pursuant to Regulation 29(1) of the Wastewater Regulations, if EHA suspects on reasonable grounds that a wastewater system is adversely affecting or threatening public or environmental health, to give the operator of the system a written notice requiring the operator to obtain and provide to EHA and/or the Council a written report from an independent wastewater engineer within a specified period addressing specified matters.
32.2	The power pursuant to Regulation 29(3) of the Wastewater Regulations, if the requirements of a notice under Regulation 29 of the Wastewater Regulations are not complied with to obtain the required report and recover the costs and expenses reasonable incurred in doing so from the person

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who failed to comply with the notice, as a debt.	
32.3	The power pursuant to Regulation 29(3) of the Wastewater Regulations, to authorise a person to enter land at any reasonable time for the purposes of the report.
33. Fees	
33.1	The power pursuant to Regulation 33(1) of the Wastewater Regulations, to refund, reduce or remit payment of a fee payable under the Wastewater Regulations if EHA considers that appropriate in the circumstances.
33.2	The power pursuant to Regulation 33(2) of the Wastewater Regulations, to recover a fee payable to the Council by action in a court of competent jurisdiction as a debt due to the Council.

**SOUTH AUSTRALIAN PUBLIC HEALTH (GENERAL)
REGULATIONS 2013**

34. Non-compliance with Notices (Section 93(6) of Act)	
34.1	The power pursuant to Regulation 5B(2) of the South Australian Public Health (General) Regulations 2013 (the General Regulations), for the purposes of the creation of a charge on land under Section 93 of the Act, to deliver to the Registrar-General a notice, in a form determined by the Minister on the recommendation or with the approval of the Registrar-General:
34.1.1	setting out the amount recoverable under Section 93 of the Act; and
34.1.2	setting out the land in relation to which the relevant action was taken; and
34.1.3	requesting the Registrar-General to make a notation under Regulation 5B of the General Regulations in relation to the relevant land.
34.2	The power pursuant to Regulation 5B(8) of the General Regulations, if or when the amount to which the charge relates is paid, to by further notice in writing to the Registrar-General (being a notice in a form determined by the Minister on the recommendation or with the approval of the Registrar-General) cancel the charge.

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Attachment

**INSTRUMENT OF DELEGATION UNDER THE SOUTH
AUSTRALIAN PUBLIC HEALTH ACT 2011 AND SOUTH
AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013,
SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013
AND SOUTH AUSTRALIAN PUBLIC HEALTH (GENERAL) REGULATIONS 2013**

SCHEDULE OF CONDITIONS

**CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
3	The powers delegated at paragraphs 3.1-3.3 of this instrument can only be exercised after EHA has received consent from the Chief Executive Officer of the Council to exercise those powers on a case-by-case basis.
5.2	The powers delegated at paragraph 5.2 of this instrument can only be exercised after EHA has received consent from the Chief Executive Officer of the Council to exercise those powers on a case-by-case basis.
6	The powers delegated at paragraphs 6.1-6.4 of this instrument can only be exercised after EHA has received consent from the Chief Executive Officer of the Council to exercise those powers on a case-by-case basis.

APPENDIX 6

INSTRUMENT OF DELEGATION UNDER THE SUPPORTED RESIDENTIAL FACILITIES ACT 1992 AND THE SUPPORTED RESIDENTIAL FACILITIES REGULATIONS 2009

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED BY THE COUNCIL IN THIS INSTRUMENT TO THE EASTERN HEALTH AUTHORITY

1. Appointment of Authorised Officers
1.1 The power pursuant to Section 21(1) of the Supported Residential Facilities Act 1992 ("the Act") to appoint a person to be an authorised officer under the Act;
1.2 The duty pursuant to Section 21(2) of the Act to issue to an authorised officer an identity card; and
1.3 The power pursuant to Section 21(4) of the Act by notice in writing served on an authorised officer, to revoke the appointment as an authorised officer.
2. Application for a Licence
2.1 The power pursuant to Section 24(3) of the Act by notice in writing not later than two months after a licence application has been made, to require the applicant to furnish specified information;
2.2 The power pursuant to Section 24(5) of the Act to require any information included in an application or required by a notice to be verified by statutory declaration;
2.3 The power pursuant to Section 24(9) of the Act subject to such conditions as Eastern Health Authority (EHA) thinks fit, to conditionally approve the issue of a licence in respect of proposed premises and the duty where satisfied that the premises have been established in substantial compliance with those conditions (and within such a period, if

**INSTRUMENT OF DELEGATION UNDER THE SUPPORTED RESIDENTIAL FACILITIES ACT 1992
AND SUPPORTED RESIDENTIAL FACILITIES REGULATIONS 2009**

	any as EHA may have determined), to grant a licence; and
2.4	Where an application for a licence is refused, the duty pursuant to Section 24(10) of the Act notify the applicant in writing of the refusal, the reasons for the refusal, and any appeal rights that the applicant has under the Act.
2.5	The duty, pursuant to Section 25(1) of the Act in considering an application for a licence in respect of the use of premises as a supported residential facility, to take into account those matters specified in this Section and such other matters as EHA thinks fit;
2.6	The duty pursuant to Section 25(2) of the Act in determining whether or not an applicant is suitable to be granted a licence, to have regard to those matters specified in this Section and to such other matters as EHA thinks fit;
2.7	The duty pursuant to Section 25(3) of the Act in determining whether or not premises are suitable to be used as a supported residential facility, to have regard to those matters specified in Section 25(3) of the Act and to such other matters as EHA thinks fit;
2.8	The duty pursuant to Section 25(4) of the Act not to grant a licence where it appears that the facility would not be administered in accordance with the principles prescribed in Part 2 of the Act.
3.	Renewal of Licence
3.1	The power pursuant to Section 27(3) of the Act at EHA's discretion, to determine a late application for renewal provided that the applicant pays the prescribed late application fee;
3.2	The duty pursuant to Section 27(4) of the Act by notice in writing served on the applicant, to give a decision on an application for the renewal of a licence before the date of expiry of the licence and where EHA decides to refuse an application for renewal of a licence, the duty to state in the notice of refusal the reasons for the refusal and the appeal rights that the applicant may have under the Act.
3.3	The power pursuant to Section 28 of the Act to refuse to renew a licence on any ground on which a licence may be cancelled.
4.	Licence Conditions
4.1	The power pursuant to Section 29(2) of the Act to impose licence conditions with respect to such matters as are contemplated by the Act or as EHA considers necessary or expedient for the purposes of the Act;
4.2	Pursuant to Section 29(3) of the Act where conditions are imposed by

**INSTRUMENT OF DELEGATION UNDER THE SUPPORTED RESIDENTIAL FACILITIES ACT 1992
AND SUPPORTED RESIDENTIAL FACILITIES REGULATIONS 2009**

EHA:	
4.2.1	if imposed at the time of grant or renewal of the licence – the duty to include them in the licence itself;
4.2.2	if imposed during the currency of the licence – the duty to impose them by notice in writing served on the holder of the licence;
4.2.3	the power to vary or revoke conditions at any time by notice in writing served on the holder of the licence;
4.3	Deliberately left blank.
5. Transfer of Licence	
5.1	The duty pursuant to Section 30(4) of the Act, upon due application under Section 30 of the Act and payment of the prescribed fee, to transfer the licence to the proposed transferee if satisfied that the proposed transferee would be a suitable person to be granted a licence under the Act.
6. Cancellation of Licence	
6.1	The power pursuant to Section 31(1) of the Act, to cancel a licence, on reasonable grounds, where satisfied that any of the matters specified in this Section are applicable;
6.2	The duty pursuant to Section 31(2) of the Act before acting under this Section, to notify the holder of the licence in writing of the proposed cancellation of the licence and allow the holder of the licence at least 28 days within which to make submissions in relation to the proposed action;
6.3	The power pursuant to Section 31(3) of the Act pending the cancellation (or possible cancellation) of a licence under this Section, to impose conditions to protect the interests of the residents of the facility; and
6.4	The power pursuant to Section 31(4) of the Act, to appoint an administrator of the facility and to take such other steps as may be reasonable to secure the proper care of the residents of the facility.
7. Appeals	
7.1	The power pursuant to Section 32(5) of the Act where EHA is satisfied that an applicant for renewal of a licence has instituted or intends to institute an appeal, to order that the licence remain in force until the determination of the appeal; and to impose such conditions as EHA thinks fit.

**INSTRUMENT OF DELEGATION UNDER THE SUPPORTED RESIDENTIAL FACILITIES ACT 1992
AND SUPPORTED RESIDENTIAL FACILITIES REGULATIONS 2009**

7.2	The power pursuant to Section 32(7) of the Act if a person contravenes, or fails to comply with, a condition imposed under Section 32(5) of the Act to revoke any order to which the condition relates.
7.3	The duty pursuant to Section 33(1) of the Act, and subject to Section 33(2), where application is made for a licence in respect of a facility that was in operation during the period of three (3) months immediately preceding the commencement of the Section, to upon payment of the prescribed fee, grant a licence in accordance with the Act for a term of one year.
8. Appointment of Manager	
8.1	The power pursuant to Section 34(1) of the Act where the proprietor of a facility is not directly involved in the management of the facility or the proprietor of a facility is a body corporate, to approve a natural person for the purpose of managing the facility under that person's personal supervision.
8.2	The power pursuant to Section 34(2) of the Act to extend the period of management without supervision.
9. Death of Licensee	
9.1	The power pursuant to Section 35 of the Act, where the holder of a licence dies, to approve the personal representative or some other person to be taken to be the holder of the licence (on the same conditions as applicable to the former holder of the licence) as from the date of death until the expiration of six months from that date or until such later date as may be fixed by EHA.
10. Revision of Resident Contract by Proprietor	
10.1	The power pursuant to Section 39(2)(b) of the Act to approve the method of providing a termination notice subject to this Section.
11. Disputes	
11.1	The power pursuant to Section 43(2) of the Act on an application made in relation to any of the matters specified in Section 43(1) of the Act, to explore any possible avenue of achieving conciliation between the parties and for these purposes, EHA, may as it thinks fit, take any action in accordance with Section 43(3) of the Act;
11.2	The power pursuant to Section 43(6) of the Act, to require an applicant, to furnish such further information in relation to the subject matter of the application as EHA thinks necessary, and to verify any information by statutory declaration;

**INSTRUMENT OF DELEGATION UNDER THE SUPPORTED RESIDENTIAL FACILITIES ACT 1992
AND SUPPORTED RESIDENTIAL FACILITIES REGULATIONS 2009**

11.3	The duty pursuant to Section 43(7) of the Act to give the applicant and the respondent reasonable notice of the time and place of any hearing of the application;
11.4	The power pursuant to Section 43(9) of the Act where satisfied that an interim order is justified by the urgent circumstances of the case, to make an interim order pending final resolution of the matter.
11.5	The power pursuant to Section 43(11) of the Act to vary or revoke an order made under Section 43 of the Act;
11.6	The power, pursuant to Section 43(12) of the Act - <ul style="list-style-type: none">11.6.1 to decline to proceed with an application under this Section until satisfied that reasonable steps have been taken to resolve the dispute pursuant to other procedures specified by EHA;11.6.2 to decline to proceed with an application under this Section if EHA considers that it would be more appropriate for proceedings to be taken in a court or tribunal constituted by law; or11.6.3 to decline to proceed (or further proceed) with an application under this Section if proceedings related to the subject matter of the application have been commenced in a court or tribunal constituted by law; and
11.7	The duty pursuant to Section 43(13) of the Act in determining any application under this Section, to act with as much expedition as is reasonably practicable in the circumstances.
12.	Attendance by Health Service Providers etc.
12.1	The power pursuant to Section 47(1) of the Act to approve a health service provider, social worker, or any person, for the purposes of Section 47.
13.	Complaints
13.1	The power pursuant to Section 49(1) of the Act to receive a complaint about the management of a supported residential facility or any residential-only premises or about the conduct of a resident of a supported residential facility or any residential-only premises.
13.2	The power pursuant to Section 49(2) of the Act to require a complaint to be reduced to writing.
13.3	The power pursuant to Section 49(3) of the Act to take such action as EHA thinks fit in view of the complaint.

**INSTRUMENT OF DELEGATION UNDER THE SUPPORTED RESIDENTIAL FACILITIES ACT 1992
AND SUPPORTED RESIDENTIAL FACILITIES REGULATIONS 2009**

- 13.4 The power pursuant to Section 49(4) of the Act to appoint an authorised officer to carry out an investigation into the circumstances surrounding the complaint and to attempt to resolve the matter as expeditiously as possible.

14. Regulations

- 14.1 Pursuant to Sections 57(5) and (6) of the Act where the proprietor of a facility who holds a licence under the Act applies to EHA for an exemption from a regulation that applies to the facility and EHA is satisfied -

- 14.1.1 that EHA can grant the exemption without seriously affecting the interests of a resident of the facility; and

- 14.1.2 that it is appropriate for EHA to grant the exemption in the circumstances of the particular case,

the power to, by notice in writing to the proprietor, exempt the proprietor from the regulation to which the application relates, on such conditions as EHA thinks fit.

- 14.2 The power pursuant to Section 57(7) of the Act, to, at any time, by further notice to the proprietor:

- 14.2.1 revoke an exemption under Section 57(5);

- 14.2.2 vary or revoke a condition under Section 57(6).

**DELEGATIONS UNDER THE SUPPORTED RESIDENTIAL FACILITIES
REGULATIONS 2009**

15. The duty pursuant to Regulation 4(1) of the Supported Residential Facilities Regulations 2009 (“the Regulations”) to decide an application for a licence under Section 24 of the Act within eight weeks of the application being made.
16. The duty pursuant to Regulation 4(2) of the Regulations, in considering an application for a licence in respect of the use of premises (or proposed premises) as a supported residential facility, to take into account the extent to which the premises (or proposed premises) accord with the standards prescribed by or under the Building Code of Australia.
17. The power pursuant to Regulation 5(2) of the Regulations to receive a copy of a prospectus, or a copy of an alteration to a prospectus, and a copy of the written statement required to accompany the prospectus or alteration to the prospectus

**INSTRUMENT OF DELEGATION UNDER THE SUPPORTED RESIDENTIAL FACILITIES ACT 1992
AND SUPPORTED RESIDENTIAL FACILITIES REGULATIONS 2009**

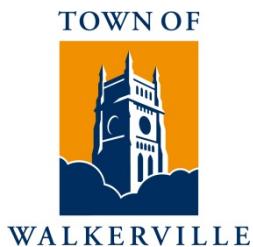
pursuant to Regulation 5(2)(b) of the Regulations.
18. The power pursuant to Regulation 14(1)(b) of the Regulations to receive information of any untoward medical event that occurs in relation to a resident of a facility.
19. The power pursuant to Regulation 17(2) of the Regulations to approve an acting manager for the purpose of appointment to or otherwise assuming the duties of the office of manager of a facility if, for a period exceeding seven days, a manager is absent from the duties of office, or the position of manager is temporarily vacant and a resident of the facility is in need of personal care services.
20. The power pursuant to Regulation 18(1) of the Regulations to approve a registered nurse as being a person who has appropriate qualifications, skills and experience to oversee the provision of nursing care at a facility.
21. The power pursuant to Regulation 18(2) of the Regulations, if there is a change in the type or level of services provided at a nursing home, to revoke, by notice in writing to the proprietor, an approval under Regulation 18(1) of the Regulations and require that a new appointment be made to ensure that the person who oversees the provision of nursing care at the facility has the qualifications, skills and experience appropriate to the facility.
22. The power pursuant to Regulation 21(1)(b) of the Regulations to approve a kitchen at a facility otherwise than in accordance with the requirements of Regulation 21(1)(b) of the Regulations.
23. The power pursuant to Regulation 21(3)(e) of the Regulations to require the fitting of handrails, ramps and, for a multi-storey building, lifts.
24. The power pursuant to Regulation 24(1) of the Regulations to direct the proprietor of a facility to install a communication system at the facility.
25. The duty pursuant to Regulation 26(2) of the Regulations to remit amounts payable to the indemnity fund under Section 56(4) of the Act to the fund manager within 28 days after the end of the financial year in which they are received by EHA.

**INSTRUMENT OF DELEGATION UNDER THE SUPPORTED RESIDENTIAL FACILITIES ACT 1992
AND SUPPORTED RESIDENTIAL FACILITIES REGULATIONS 2009**

SCHEDULE OF CONDITIONS

**CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
	NIL



The Corporation of the Town of Walkerville

ABN 49 190 949 882

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File Number: 11.64.1.1

Please Quote Ref: OLT20168330

Contact Officer: Deb Bria

24 August 2016

Michael Livori
Chief Executive Officer
Eastern Health Authority

Via Email: mlivori@eha.sa.gov.au

Dear Michael

Re: Eastern Health Authority (EHA) – Review of Delegations

Council at its Ordinary meeting held on 15 August 2016, considered the Delegations of the Eastern Health Authority and resolved the following.

CNC59/16-17

That having conducted its annual review of the Council's Delegations to Eastern Health Authority (EHA) in accordance with Section 44(6) of the Local Government Act 1999, the Council:

1. Revocations

1.1 *Hereby revokes its previous delegations to EHA of those powers and functions under the following:*

1.1.1 *Environment Protection Act 1993*

1.1.2 *Expiation of Offences Act 1996*

1.1.3 *Housing Improvement Act 1940*

1.1.4 *Local Government Act 1999*

1.1.5 *South Australian Public Health Act 2011 along with the South Australian Public Health (Legionella) Regulations 2013 and the South Australian Public Health (Wastewater) Regulations 2013*

1.1.6 *Supported Residential Facilities Act 1992*

1.1.7 *Safe Drinking Water Act 2011*

With effect from 31 August 2016

2. Delegations made under Local Government Act 1999

2.1 *In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the following Acts and specified in the proposed*

Instruments of Delegation contained in Attachment A - E of the Report dated 15 August 2016 and entitled Eastern Health Authority (EHA) – Review of Delegations (each of which is individually identified as indicated below) are hereby delegated this 15 day of August 2016 to EHA with effect from 31 August 2016 subject to the conditions and or limitations specified herein or in the Schedule of Conditions in each such proposed Instrument of Delegation.

- 2.1.1 *Environment Protection Act 1993 (Attachment A);*
 - 2.1.2 *Expiation of Offences Act 1996 (Attachment B);*
 - 2.1.3 *Housing Improvement Act 1940 (Attachment C);*
 - 2.1.4 *Safe Drinking Water Act 2011 (Attachment D);*
 - 2.1.5 *South Australian Public Health Act 2011 along with the South Australian Public Health (Legionella) Regulations 2013, South Australian Public Health (Wastewater) Regulations 2013 and the South Australian Public Health (General) Regulations 2013 (Attachment E)*
 - 2.2 *Such powers and functions may be further delegated by EHA in accordance with Section 44 of the Local Government Act 1999 as EHA sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegation.*
- 3. Delegations under Supported Residential Facilities Act 1992**
- 3.1 *In exercise of the power contained in Section 9 of the Supported Residential Facilities Act 1992, the powers and functions under the Supported Residential Facilities Act 1992 and the Supported Residential Facilities Regulations 2009 specified in the proposed Instrument of Delegation contained in Attachment F to the Report dated 15 August 2016 and entitled Eastern Health Authority (EHA) – Review of Delegations are hereby delegated this 15 day of August 2016 to EHA with effect from 31 August 2016 subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Supported Residential Facilities Act 1992.*
 - 3.2 *Such powers and functions may be further delegated by EHA as EHA sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Supported Residential Facilities Act 1992.*

4. Enforcement Agency under the Food Act 2001

- 4.1 *The Council acknowledges that:*
 - 4.1.1 *EHA has been established as a regulatory subsidiary and is thereby prescribed, pursuant to Section 4 of the Food Act 2001 and in accordance with Regulation 4(1) of the Food Regulations 2002, as an enforcement agency for the purposes of the Food Act 2001; and*
 - 4.1.2 *EHA is completely responsible for the operation and enforcement of the Food Act 2001 within the area of the Corporation of the Town of Walkerville*
 - 4.1.3 *the Chief Executive Officer of EHA, as the person designated by the Constituent Councils of EHA as the principal officer of EHA, is, pursuant to Regulation 5 of the Food Regulations 2002, prescribed as the head of an enforcement agency for the purposes of the Food Act 2001.*

5. Prosecutions

- Item 6.1 Appendix F
- 5.1 *In exercise of the powers contained in Section 44 of the Local Government Act 1999 the Council delegates this 15 day of August 2016 the powers under Sections 6 and 36(1) of the Local Government Act 1999 to EHA to commence a prosecution for a breach of the Housing Improvement Act 1940, the South Australian Public Health Act 2011, the South Australian Public Health (General) Regulations 2013, the South Australian Public Health (Legionella) Regulations 2013, and the South Australian Public Health (Wastewater) Regulations 2013 where those instruments empower the Council to commence prosecution for a breach and to do anything necessary, expedient or incidental to performing or discharging the Council's power with effect from 31 August 2016, and such power may be further delegated by EHA as EHA sees fit.*
- 5.2 *In exercise of the powers contained in Section 9(2) of the Supported Residential Facilities Act 1992 and Section 44 of the Local Government Act 1999 the Council delegates this 15 day of August 2016 the powers under Sections 6 and 36(1) of the Local Government Act 1999 and Section 9(1) of the Supported Residential Facilities Act 1992 to EHA to commence a prosecution for a breach of the Supported Residential Facilities Act 1992 and/or the Supported Residential Facilities Regulations 2009 where those instruments empower the Council to commence prosecution for a breach and to do anything necessary, expedient or incidental to performing or discharging the Council's power with effect from 31 August 2016, and such power may be further delegated by EHA as EHA sees fit.*

STANDARD CONDITIONS OF DELEGATIONS MADE BY THE

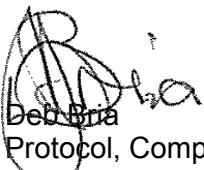
Corporation of the Town of Walkerville

The delegations made by the Council to EHA take effect from 31 August 2016 and the powers and functions so delegated may not be exercised by EHA until that date.

A copy of the agenda report and attachment in its entirety, can be downloaded from the following link: <https://www.walkerville.sa.gov.au/page.aspx?u=65>

Please give me a call on 83427103 if you wish to discuss further.

Yours Sincerely



Deb Brin
Protocol, Compliance & Governance Officer



Meeting:	Council	Item No: 12.3.7
Title:	Eastern Health Authority (EHA) - Review of Delegations	File No: 11.64.1.1
Responsible Manager:	Chief Executive Officer, Kiki Magro	Date: 15 August 2016
Author:	Protocol, Compliance & Governance, Officer, Deb Bria	Attachment: A, B, C, D, E
Key Focus Area 3:	transparent and accountable local tier of Government that is respected for its forward thinking approaches and cross-Council collaborations	
Type of Report:	Decision Required	

Recommendation

That having conducted its annual review of the Council's Delegations to Eastern Health Authority (EHA) in accordance with Section 44(6) of the *Local Government Act 1999*, the Council:

1. Revocations

- 1.1 Hereby revokes its previous delegations to EHA of those powers and functions under the following:
 - 1.1.1 Environment Protection Act 1993
 - 1.1.2 Expiation of Offences Act 1996
 - 1.1.3 Housing Improvement Act 1940
 - 1.1.4 Local Government Act 1999
 - 1.1.5 South Australian Public Health Act 2011 along with the South Australian Public Health (Legionella) Regulations 2013 and the South Australian Public Health (Wastewater) Regulations 2013
 - 1.1.6 Supported Residential Facilities Act 1992
 - 1.1.7 Safe Drinking Water Act 2011

With effect from 31 August 2016

2. Delegations made under *Local Government Act 1999*

- 2.1 In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the following Acts and specified in the proposed Instruments of Delegation contained in Attachment A - E of the Report dated 15 August 2016 and entitled Eastern Health Authority (EHA) – Review of Delegations (each of which is individually identified as indicated below) are hereby delegated this 15 day of August

2016 to EHA with effect from 31 August 2016 subject to the conditions and or limitations specified herein or in the Schedule of Conditions in each such proposed Instrument of Delegation.

- 2.1.1 Environment Protection Act 1993 (Attachment A);
 - 2.1.2 Expiation of Offences Act 1996 (Attachment B);
 - 2.1.3 Housing Improvement Act 1940 (Attachment C);
 - 2.1.4 Safe Drinking Water Act 2011 (Attachment D);
 - 2.1.5 South Australian Public Health Act 2011 along with the South Australian Public Health (Legionella) Regulations 2013, South Australian Public Health (Wastewater) Regulations 2013 and the South Australian Public Health (General) Regulations 2013 (Attachment E)
- 2.2 Such powers and functions may be further delegated by EHA in accordance with Section 44 of the *Local Government Act 1999* as EHA sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegation.

3. Delegations under Supported Residential Facilities Act 1992

- 3.1 In exercise of the power contained in Section 9 of the Supported Residential Facilities Act 1992, the powers and functions under the Supported Residential Facilities Act 1992 and the Supported Residential Facilities Regulations 2009 specified in the proposed Instrument of Delegation contained in Attachment F to the Report dated 15 August 2016 and entitled Eastern Health Authority (EHA) – Review of Delegations are hereby delegated this 15 day of August 2016 to EHA with effect from 31 August 2016 subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Supported Residential Facilities Act 1992.
- 3.2 Such powers and functions may be further delegated by EHA as EHA sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Supported Residential Facilities Act 1992.

4. Enforcement Agency under the Food Act 2001

- 4.1 The Council acknowledges that:
 - 4.1.1 EHA has been established as a regulatory subsidiary and is thereby prescribed, pursuant to Section 4 of the Food Act 2001 and in accordance with Regulation 4(1) of the Food Regulations 2002, as an enforcement agency for the purposes of the Food Act 2001; and
 - 4.1.2 EHA is completely responsible for the operation and enforcement of the Food Act 2001 within the area of the Corporation of the Town of Walkerville
 - 4.1.3 the Chief Executive Officer of EHA, as the person designated by the Constituent Councils of EHA as the principal officer of EHA, is, pursuant to Regulation 5 of the Food Regulations 2002, prescribed as the head of an enforcement agency for the purposes of the Food Act 2001.

5. Prosecutions

- 5.1 In exercise of the powers contained in Section 44 of the *Local Government Act 1999* the Council delegates this 15 day of August 2016 the powers under Sections 6 and 36(1) of the Local Government Act 1999 to EHA to commence a prosecution for a breach of the Housing Improvement Act 1940, the South Australian Public Health Act 2011, the South Australian Public Health (General) Regulations 2013, the South Australian Public Health (Legionella) Regulations 2013, and the South Australian Public Health (Wastewater) Regulations 2013 where those instruments empower the Council to commence prosecution for a breach and to do anything necessary, expedient or incidental to performing or discharging the Council's power with effect from 31 August 2016, and such power may be further delegated by EHA as EHA sees fit.
- 5.2 In exercise of the powers contained in Section 9(2) of the Supported Residential Facilities Act 1992 and Section 44 of the Local Government Act 1999 the Council delegates this 15 day of August 2016 the powers under Sections 6 and 36(1) of the Local Government Act 1999 and Section 9(1) of the Supported Residential Facilities Act 1992 to EHA to commence a prosecution for a breach of the Supported Residential Facilities Act 1992 and/or the Supported Residential Facilities Regulations 2009 where those instruments empower the Council to commence prosecution for a breach and to do anything necessary, expedient or incidental to performing or discharging the Council's power with effect from 31 August 2016, and such power may be further delegated by EHA as EHA sees fit.

STANDARD CONDITIONS OF DELEGATIONS MADE BY THE

Corporation of the Town of Walkerville

The delegations made by the Council to EHA take effect from 31 August 2016 and the powers and functions so delegated may not be exercised by EHA until that date.

Summary

To provide the Eastern Health Authority (EHA) with appropriate delegations to enable them to operate and enact their business undertakings as prescribed by the EHA Charter on behalf of Constituent Council.

Background

EHA is formed as a regional subsidiary pursuant to Section 43 of the *Local Government Act, 1999*. Section 43 provides for two or more councils (known as the constituent councils) to establish a subsidiary to perform a function of the council in a joint service delivery arrangement under the Local Government or other Acts.

EHA is a cost effective and efficient service provider, working cooperatively with its constituent Councils; the City of Burnside; Campbelltown City Council; the City of Norwood, Payneham and St Peters; the City of Prospect the Corporation of the Town of Walkerville & the City of Unley.

A wide range of environmental health functions are performed by the Authority which include the prevention and control of disease, immunisation, hygiene and sanitation control, environmental protection, licensing and monitoring of supported residential facilities and the surveillance of food premises to ensure appropriate food safety standards. In order for EHA to enact on these matters constituent Councils are required to provide relevant delegations.

Discussion/Issues for Consideration

Walkerville Council does not have the resources or expertise to undertake the work conducted by EHA.

Options for Consideration

Option 1

Council endorses the EHA's delegations.

Option 2

Council reviews and amends EHA's delegations.

Analysis of Options

Option 1

Enables EHA to operate in an effective and efficient manner in accordance with its Charter.

Option 2

Any amendments to EHA delegations will place limitations on their ability to act on behalf of Council.

Financial Implications

Council's annual budget accommodates for the services provided by EHA. Any variations to the delegations may require additional funding to engage an alternate service provider to undertake the required services.

Community Implications

Providing appropriate delegations enables EHA to provide the required services to the Walkerville Community.

Governance Implications

Providing EHA with appropriate delegations ensures legislative compliance with the relevant acts.

Preferred Option & Reasoning

Option 1

Council has engaged EHA to undertake regulatory activities as defined in its Charter. Council does not have the resources to provide this service on its own merit.

Attachment/s

Attachment A	Instrument of delegation Environmental Protection Act and Policy
Attachment B	Instrument of delegation Expiation of Offences Act 1996
Attachment C	Instrument of delegation Housing Improvement Act 1940
Attachment D	Instrument of delegation Safe Drinking Water Act 2011
Attachment E	Instrument of delegation South Australian Public Health Act 2011 along with the South Australian Public Health (Legionella) Regulations 2013, South Australian Public Health (Wastewater) Regulations 2013 and the South Australian Public Health (General) Regulations 2013
Attachment F	Instrument of delegation Supported Residential Facilities Act 1992 and the Supported Residential Facilities Regulations 2009

ATTACHMENT A

**INSTRUMENT OF DELEGATION UNDER THE
ENVIRONMENT PROTECTION ACT 1993 AND
THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES) POLICY 2010**

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

**POWERS AND FUNCTIONS DELEGATED BY THE COUNCIL IN THIS
INSTRUMENT TO THE EASTERN HEALTH AUTHORITY**

1. The power pursuant to Section 85(3) of the Environment Protection Act 1993 ("the Act"), to appoint authorised officers for the purposes of the Act.
2. The power pursuant to Section 85(4) of the Act to make an appointment under Section 85(3) of the Act subject to conditions to be specified in the instrument of appointment, and subject to conditions prescribed by regulation.
3. The power pursuant to Section 85(5) of the Act to revoke an appointment or to vary or revoke a condition specified in the instrument of such an appointment or impose a further such condition.
4. Site Contamination Assessment Orders <p><i>Deliberately left blank</i></p>
5. Site Remediation Orders <p><i>Deliberately left blank</i></p>
6. Deliberately left blank

**DELEGATIONS UNDER THE ENVIRONMENT PROTECTION
(WASTE TO RESOURCES) POLICY 2010**

6A. <i>Deliberately left blank</i>
7. The duty pursuant to Clause 17(2) of the Policy to ensure that the following

**INSTRUMENT OF DELEGATION UNDER THE ENVIRONMENT PROTECTION ACT 1993
AND THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES) POLICY 2010**

<p>provisions are complied with in relation to any medical waste received by the Eastern Health Authority:</p>	
(a)	if any other waste is mixed with medical waste, the other waste is to be dealt with under this clause in the same way as is required in relation to medical waste;
(b)	all medical waste must be stored in containers that are weatherproof, shatterproof, insect and vermin proof, and leak proof or, in the case of containers storing only medical sharps or any other sharp articles, leak resistant;
(c)	all containers for medical waste that are kept for further use must be thoroughly cleaned and disinfected as soon as reasonably practicable after emptying;
(d)	all containers used for the storage or transport of medical waste must be clearly labelled as containing medical waste;
(e)	all containers of medical waste must be stored in a secure location;
(f)	all necessary equipment required to clean and disinfect the area in case of accidental spillage of medical waste must be readily available and accessible;
(g)	discarded medical sharps or any other sharp articles must be contained for disposal in containers that comply with the requirements of the Standards, as amended from time to time, set out in Clause 17(2)(g)(i) of the Policy and the containers must not be subject to compaction by a compacting device nor placed for storage or transport in a portable or mobile compactor;
(h)	medical waste must be disposed of as soon as reasonably practicable;
(i)	all medical waste must be:
(i)	disposed of by incineration; or
(ii)	disposed of by such other method of treatment or disposal as is approved by the Authority and subject to such conditions as the Authority thinks fit;
(iii)	collected for disposal by -
(A)	a licensed waste transporter authorised to collect and transport medical waste; or
(B)	a council;

**INSTRUMENT OF DELEGATION UNDER THE ENVIRONMENT PROTECTION ACT 1993
AND THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES) POLICY 2010**

- | | |
|-----|---|
| (j) | before the collection of medical waste for disposal, the transporter must be advised of the nature of the waste, hazards associated with the waste and any precautions that need to be taken during the collection, transport or disposal of the medical waste; |
| (k) | the transporter must be given such assistance as is required to ensure that loading operations are carried out in such a way as to prevent spillage of any medical waste. |

**INSTRUMENT OF DELEGATION UNDER THE ENVIRONMENT PROTECTION ACT 1993
AND THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES) POLICY 2010**

SCHEDULE OF CONDITIONS

**CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
	NIL

ATTACHMENT B

INSTRUMENT OF DELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED BY THE COUNCIL IN THIS INSTRUMENT TO THE EASTERN HEALTH AUTHORITY

1. Certain Offences may be Expiated
1.1. The power pursuant to Section 5(1) of the Expiation of Offences Act 1996 (“the Act”) to issue an expiation notice under the Act to a person alleged to have committed an offence under:
1.1.1. Housing Improvement Act 1940;
1.1.2. South Australian Public Health Act 2011 along with the South Australian Public Health (General) Regulations 2013, the South Australian Public Health (Legionella) Regulations 2013 and the South Australian Public Health (Wastewater) Regulations 2013;
1.1.3. Supported Residential Facilities Act 1992,
and the alleged offence may accordingly be expiated in accordance with the Act.
2. Expiation Notices
2.1 The power pursuant to Section 6(3)(b)(ii) of the Act to authorise a person in writing to give an expiation notice for an alleged offence under:
2.1.1 Housing Improvement Act 1940;
2.1.2 South Australian Public Health Act 2011 along with the South Australian Public Health (General) Regulations 2013, the South Australian Public Health (Legionella) Regulations 2013 and the South Australian Public Health (Wastewater)

INSTRUMENT OF DELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996

	Regulations 2013;
	2.1.3 Supported Residential Facilities Act 1992.
3. Review of Notices on Ground that Offence is Trifling	
3.1	The power pursuant to Section 8A(2) and (3) of the Act to require an alleged offender who is seeking a review of the notice on the ground that the offence is trifling:
3.1.1	to provide further information; and
3.1.2	to provide a statutory declaration verifying the information contained in, or supporting, an application for review.
3.2	The duty pursuant to Section 8A(4) of the Act to determine an application for review before issuing a certificate for an enforcement determination in respect of the offence to which the application relates.
3.3	The duty pursuant and subject to Section 8A(5) and (6) of the Act upon being satisfied the offence is trifling to withdraw the expiation notice in respect of the offence by giving written notice to the alleged offender.
3A. Arrangements as to Manner and Time of Payment	
3A.1	The power pursuant to Section 9(2) of the Act to agree with the Fines Enforcement and Recovery Officer the manner in which the Fines Enforcement Recovery Officer must give Eastern Health Authority (EHA) notice of any arrangement entered into under Section 9 of the Act.
3A.2	The power pursuant to Section 9(12) of the Act, if an arrangement terminates under Section (9), (10) or (11) of the Act, to agree with the Fines Enforcement and Recovery Officer the manner in which the Fines Enforcement and Recovery Officer must give the EHA notice of the termination and the amount then outstanding (taking into account, where the arrangement required the performance of community service, the number of hours of community service so performed).
4. Expiation Reminder Notices	
4.1	The duty pursuant to Section 11 of the Act where an alleged offender has neither paid the expiation fee nor entered into an arrangement under Section 9 of the Act and the Council or EHA has not received a statutory declaration or other document sent to the Council or EHA by the alleged offender in accordance with a notice required by law to accompany the expiation notice, by the end of the expiation period, and before the Delegate takes any action under this Act to enforce the expiation notice, to send an expiation reminder notice in the prescribed

INSTRUMENT OF DELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996

form to the alleged offender before any action is taken under the Act to enforce the expiation notice.
5. Expiation Enforcement Warning Notices
5.1 The duty pursuant to Section 11A of the Act where the Council or EHA has received a statutory declaration or other document sent to the Council or EHA by the alleged offender in accordance with a notice required by law to accompany the expiation notice or expiation reminder notice, and before the Delegate takes action under this Act to enforce the expiation notice, to send an expiation enforcement warning notice, in the prescribed form, to the alleged offender by post.
6. Late Payment
6.1 The power pursuant to Section 12 of the Act to accept late payment of the amount due under an expiation notice at any time before an enforcement determination is made under Section 13 of the Act.
7. Enforcement Determinations
7.1 The power pursuant to Section 13(1) of the Act to enforce an expiation notice against an alleged offender by sending to the Fines Enforcement and Recovery Officer:
7.1.1 a certificate that contains the particulars determined by the Fines Enforcement and Recovery Officer relating to:
7.1.1.1 the alleged offender; and
7.1.1.2 the offence or offences that remain unexpiated; and
7.1.1.3 the amount due under the notice; and
7.1.1.4 compliance by EHA as the authority with the requirements of the Act and any other Act;
7.1.2 the prescribed fee.
7.2 The power pursuant to Section 13(4) of the Act to apply to the Fines Enforcement and Recovery Officer under and in accordance with Section 13 of the Act within 30 days of notice of an enforcement determination being given, sent or published in accordance with Section 13 of the Act for the enforcement determination to be revoked.
8. Withdrawal of Expiation Notices

INSTRUMENT OF DELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996

8.1	The power pursuant to Section 16(1) of the Act, to withdraw an expiation notice with respect to all or any of the alleged offences to which an expiation notice relates where:
8.1.1	in the opinion of the Delegate the alleged offender did not commit the offence or offences, or that the notice should not have been given with respect to the offence or offences;
8.1.2	the Council or EHA as issuing authority receives a statutory declaration or other document sent to the Council or EHA by the alleged offender in accordance with a notice required by law to accompany the expiation notice or expiation reminder notice; or
8.1.3	the notice is defective; or
8.1.4	the Delegate decides that the alleged offender should be prosecuted for the offence or offences.
8.2	The power pursuant to Section 16(5) of the Act, where an expiation notice is withdrawn under subsection (1), to commence prosecution for an offence to which the notice related.
8.3	The duty pursuant to Section 16(6) of the Act, subject to Section 16(7) of the Act, to withdraw an expiation notice if it becomes apparent that the alleged offender did not receive the notice until after the expiation period, or has never received it, as a result of error on the part of the Council or EHA as issuing authority or failure of the postal system.
8.4	The duty pursuant to Section 16(11) of the Act, where an expiation notice is withdrawn under Section 16 of the Act and the notice of withdrawal does not specify that the notice is withdrawn for the purposes of prosecuting the alleged offender, and if an enforcement determination has been made under Section 13 of the Act, to inform the Fines and Enforcement Recovery Officer of the withdrawal of the notice.
9. Provision of Information	
9.1	The power pursuant to Section 18 of the Act to enter into an agreement with the Fines Enforcement and Recovery Officer in relation to:
9.1.1	the manner in which the Fines Enforcement and Recovery Officer is to provide information to EHA in relation to action taken by the Fines Enforcement and Recovery Officer under the Act in respect of an expiation notice issued by EHA as a delegate of the Council; and
9.1.2	the manner in which EHA is to provide information to the Fines

INSTRUMENT OF DELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996

Enforcement and Recovery Officer in relation to the issuing of an expiation notice by EHA as a delegate of the Council or any other action taken by EHA as a delegate of the Council in respect of an expiation notice so issued.

INSTRUMENT OF DELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996**SCHEDULE OF CONDITIONS****CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
	NIL

ATTACHMENT C

INSTRUMENT OF DELEGATION UNDER THE HOUSING IMPROVEMENT ACT 1940

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED BY THE COUNCIL IN THIS INSTRUMENT TO THE EASTERN HEALTH AUTHORITY

<p>1. Power to Declare Houses Unfit for Habitation</p>
<p>1.1 The power pursuant to Section 23(1) of the Housing Improvement Act 1940 ("the Act"):</p>
<p> 1.1.1 to make due inquiries and obtain such reports as the Delegate deems necessary to be satisfied that any house is undesirable for human habitation or is unfit for human habitation;</p>
<p> 1.1.2 to declare that the house -</p>
<p> 1.1.2.1 is undesirable for human habitation; or</p>
<p> 1.1.2.2 is unfit for human habitation.</p>
<p>1.2 The duty pursuant to Section 23(2) of the Act where any house has been declared undesirable or unfit for human habitation -</p>
<p> 1.2.1 to serve on the owner of the house a declaration together with a written statement setting out particulars of the deficiencies and directing the owner, within a specified time (being not less than one month after the service of the declaration) -</p>
<p> 1.2.1.1 to carry out such work in respect of the house (including, if so directed, partial demolition) as is directed in the notice; or</p>
<p> 1.2.1.2 if the Delegate is of the opinion that it is impracticable to make the house desirable or fit for human</p>

INSTRUMENT OF DELEGATION UNDER THE HOUSING IMPROVEMENT ACT 1940

habitation, to demolish the house; and	
1.2.2 to serve a copy of the declaration, statement and direction on any occupier of the house and on every registered mortgagee of the land on which the house is situated; and	
1.3 The power pursuant to Section 23(2) of the Act where any house has been declared undesirable or unfit for human habitation -	
1.3.1 if the direction is to demolish, to serve on the occupier (if any) a written notice requiring the occupier to vacate the house within a specified period being not less than one month after service; and	
1.3.2 where the direction requires any work to be carried out in respect of the house, to serve on any occupier (if any) a written notice to vacate the house within a specified period being not less than one month after service, unless the house is, to the satisfaction of the Delegate, made to comply with the directions given by the Delegate before the expiration of the specified period.	
1.4 The power pursuant to Section 23(3) of the Act to certify in writing that the house that has been declared undesirable for human habitation or unfit for human habitation complies with the direction given by the Delegate and in the time specified in the direction under Section 23(2)(c) or (d).	
1.5 The power pursuant to Section 23(5) of the Act where an owner fails to comply with any direction under Section 23 within the time specified in the direction –	
1.5.1 to do anything that is necessary to make the house comply with the direction or demolish the house;	
1.5.2 to recover any expenses incurred from the owner of the house;	
1.5.3 to sell or dispose of any material taken from the house;	
1.6 The duty pursuant to Section 23(5)(d) of the Act to apply the proceeds of any sale for or towards the expenses incurred by the Council and pay any surplus (if any) in discharge of the mortgage or encumbrance of any registered mortgagee of the land in accordance with their respective priorities and to pay any remaining balance to the owner.	
2. Power of Housing Authority	
2.1 The power pursuant to Section 25(1) of the Act to consult with the Housing Authority and the duty pursuant to Section 25(1) of the Act, if required by the Housing Authority by notice in writing, within the time	

INSTRUMENT OF DELEGATION UNDER THE HOUSING IMPROVEMENT ACT 1940

<p>specified in the notice, to make a declaration pursuant to Section 23 of the Act with respect to the house in the form required by the Housing Authority and to give any direction or notice or otherwise exercise any power under Section 23 in the manner required by the Housing Authority.</p>
<p>3. Power to Declare Clearance Area</p>
<p>3.1 The power pursuant to Section 33(3)(a)(i) of the Act to consult with the Housing Authority where the Housing Authority is intending to submit a recommendation to the Governor under Section 33 of the Act; and</p>
<p>3.2 The power pursuant to Section 33(b) to make any objections to the Housing Authority, in relation to such recommendation.</p>
<p>4. Powers of Entry and Inspection</p>
<p>4.1 The power pursuant to Section 67 of the Act to authorise persons to enter into and upon any premises at any reasonable hour for the purposes of -</p>
<p>4.1.1 examining the condition, standard of sanitation and hygiene, and state of repair of the premises;</p>
<p>4.1.2 ascertaining whether any of the provisions of the Act are being or have been contravened;</p>
<p>4.1.3 executing any work authorised to be executed or made by or under the Act;</p>
<p>4.1.4 generally, enforcing the provisions of the Act.</p>
<p>5. Dispossession of occupiers failing to vacate premises when required to do so</p>
<p>5.1 The power pursuant to Section 71 of the Act, where any person, after he has been required under the Act by the Council to vacate a house or building, and the person refuses or neglects to vacate the same, to apply and to authorise a person to apply upon a complaint to be laid by him, in the form set out in Schedule 1 to the Act or to the like effect, to any justice, for the justice to issue a summons in the form set out in Schedule 2 to the Act or to the like effect calling upon the occupier of such house or building to appear at a time and place to be therein specified before a court of Summary Jurisdiction consisting of a special magistrate, sitting without any other justice or justices, which court may hear and determine the matter of the complaint in a summary way in the absence of the occupier or otherwise.</p>

INSTRUMENT OF DELEGATION UNDER THE HOUSING IMPROVEMENT ACT 1940**SCHEDULE OF CONDITIONS****CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
	NIL

ATTACHMENT D

INSTRUMENT OF DELEGATION UNDER THE SAFE DRINKING WATER ACT 2011

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED BY THE COUNCIL IN THIS INSTRUMENT TO THE EASTERN HEALTH AUTHORITY

5. Drinking water providers to be registered
(2) The power pursuant to Section 5(2)(a) and (b) of the Safe Drinking Water Act 2011 (the Act) and in accordance with Section 5(3) of the Act to make an application for registration of the Council under the Act to the Minister and in a manner and form determined by the Minister.
8. Conditions of registration
(3) The power pursuant to Section 8(3) of the Act where the Council holds a registration, to make application to the Minister in a manner and form determined by the Minister, requesting the variation of a condition to which the registration is subject.
9. Suspension of registration
(5) The power pursuant to Section 9(5) of the Act after the Council or the Eastern Health Authority (EHA) has received notice from the Minister, lodge with the Minister a written objection (setting out the grounds of objection).
(6) The power pursuant to Section 9(5) of the Act to make submissions to the Minister in relation to the matter.
(10) The power pursuant to Section 9(10) of the Act where the Council's registration has been suspended to make application to the Minister for the cancellation of the suspension.
10. Appeals
(1) The power pursuant to Section 10(1) of the Act and in accordance with

**INSTRUMENT OF DELEGATION UNDER THE
SAFE DRINKING WATER ACT 2011**

Section 10(2) of the Act, to appeal to the District Court against:
(a) a condition imposed by the Minister in relation to a registration under Part 2 of the Act;
(b) a variation of a condition of registration made by the Minister on the Minister's own initiative; or
(c) a decision of the Minister to refuse to grant an application to vary a condition of registration; or
(d) a decision of the Minister to suspend a registration under Part 2 of the Act.
12. Drinking water providers to prepare, implement and review risk management plans
(1) The power pursuant to Section 12(1) of the Act and in accordance with Section 13 of the Act, to:
(a) prepare a risk management plan in relation to the supply of drinking water to the public; and
(b) keep the plan under continuous review with a view to updating and improving it; and
(c) revise any aspect of the plan that is found, on review, to need revision.
(3) The power pursuant to Section 12(3) of the Act, if a standard risk management plan is in place under Section 12(2) of the Act and the Council falls within the specified class to which the standard risk management plan applies, to, subject to any requirement published by the Chief Executive in connection with the risk management plan and in a manner and form determined by the Chief Executive, adopt the standard risk management plan rather than preparing a separate plan under Section 12(1)(a) of the Act.
14. Related matters
(2) The power pursuant to Section 14(2) of the Act, to furnish to the Minister in a manner and form determined by the Minister a copy of the Council's monitoring program and incident identification and notification protocol.
(3) (b) The power pursuant to Section 14(3)(b) of the Act to consult with the Minister in relation to alterations to the program or protocol (or both) submitted for the purposes of Section 14 of the Act.
(4) The power pursuant to Section 14(4) of the Act and in accordance with

**INSTRUMENT OF DELEGATION UNDER THE
SAFE DRINKING WATER ACT 2011**

<p>Section 14(5) of the Act, where the Council is required to make an alteration under Section 14(3), to appeal to the District Court against the requirement.</p>
<p>34. Appointment of authorised officers</p>
<p>(1) <i>Deliberately left blank</i></p>
<p>(2) <i>Deliberately left blank</i></p>
<p>35. Certificates of authority</p>
<p>(1) <i>Deliberately left blank</i></p>
<p>(2) <i>Deliberately left blank</i></p>
<p>37. Seizure orders</p>
<p>(3) (a) <i>Deliberately left blank</i></p>
<p>(d) <i>Deliberately left blank</i></p>
<p>38. Notices</p>
<p>(1) <i>Deliberately left blank</i></p>
<p>(6) The power pursuant to Section 38(6) of the Act to, by written notice served on a person to whom a notice under Section 38 has been issued by the Council, vary or revoke the notice.</p>
<p>39. Action or non-compliance with a notice</p>
<p>(1) The power pursuant to Section 39(1) of the Act, if the requirements of a notice under Division 3 of the Act by the Council are not complied with, to take any action required by the notice.</p>
<p>(2) The power pursuant to Section 39(2) of the Act to authorise another person to take action under Section 39(1) of the Act on the Council's behalf.</p>
<p>(4) The power pursuant to Section 39(4) of the Act to recover the reasonable costs and expenses incurred by the Council in taking action under Section 39 of the Act from the person who failed to comply with the requirements of the notice as a debt in a court of competent jurisdiction.</p>
<p>(5) The power pursuant to Section 39(5) of the Act, if an amount is recoverable from a person by the Council under Section 39 of the Act, 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</p>

**INSTRUMENT OF DELEGATION UNDER THE
SAFE DRINKING WATER ACT 2011**

person.
40. Action in emergency situations
(5) The power pursuant to Section 40(5) of the Act to recover the reasonable costs and expenses incurred by an authorised officer of the Council in taking action under Section 40 of the Act as a debt in a court of competent jurisdiction.
41. Specific power to require information
(1) <i>Deliberately left blank</i>
42. Appeals
(3) The power pursuant to Section 42(3) of the Act to apply for the Council to be a party to proceedings under Section 42 of the Act.
52. Annual reports by enforcement agencies
(1) The power pursuant to Section 52(1) of the Act to on or before 30 September in each year, furnish to the Minister a report on the activities of the Council under the Act during the financial year ending on the preceding 30 June.

**INSTRUMENT OF DELEGATION UNDER THE
SAFE DRINKING WATER ACT 2011****SCHEDULE OF CONDITIONS****CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Section(s) in Act to which conditions/ limitations apply	Conditions / Limitations

ATTACHMENT E

**INSTRUMENT OF DELEGATION UNDER THE SOUTH AUSTRALIAN PUBLIC
HEALTH ACT 2011 AND SOUTH AUSTRALIAN PUBLIC HEALTH (LEGIONELLA)
REGULATIONS 2013, SOUTH AUSTRALIAN PUBLIC HEALTH
(WASTEWATER) REGULATIONS 2013 AND SOUTH AUSTRALIAN
PUBLIC HEALTH (GENERAL) REGULATIONS 2013**

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

**POWERS AND FUNCTIONS DELEGATED BY THE COUNCIL IN THIS
INSTRUMENT TO THE EASTERN HEALTH AUTHORITY**

1. Power to Require Reports
1.1 The power pursuant to Section 18(2) of the South Australian Public Health Act 2011 (the Act) to, if required by the Minister, provide a report on any matter relevant to the administration or operation of the Act.
1.2 The power pursuant to Section 18(3) of the Act to, if required by the Minister, in a case involving the Council provide a combined report with 1 or more other councils.
1.3 The power pursuant to Section 18(5) of the Act to provide the report in accordance with the requirements of the Minister.
2. Risk of Avoidable Mortality or Morbidity
2.1 The power pursuant to Section 22(2) of the Act, if the Eastern Health Authority (EHA) and/or the Council receives a request under Section 22(1) of the Act, to consider the request and then respond in accordance with Section 22(3) of the Act to the Chief Public Health Officer within a reasonable time.
2.2 The power pursuant to Section 22(3) of the Act to include in a response under Section 22(2) of the Act details about:
2.2.1 any steps already being taken by EHA and/or the Council that may be relevant in the circumstances; and

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**INSTRUMENT OF DELEGATION UNDER THE SOUTH
AUSTRALIAN PUBLIC HEALTH ACT 2011 AND SOUTH
AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013,
SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013
AND SOUTH AUSTRALIAN PUBLIC HEALTH (GENERAL) REGULATIONS 2013**

2.2.2	any plans that EHA and/or the Council may have that may be relevant in the circumstances; and
2.3	any steps that EHA and/or the Council is willing to take in the circumstances; and
2.4	any other matter relating to EHA and/or the Council that appears to be relevant.
3. Cooperation Between Councils	
3.1	The power pursuant to Section 39(1) of the Act to, in performing the Council's functions or exercising the Council's powers under the Act, act in conjunction or partnership with, or cooperate or coordinate the Council's activities with, 1 or more other councils
3.2	The power pursuant to Section 39(2) of the Act to, if requested by the Chief Public Health Officer, cooperate with 1 or more other councils.
3.3	The power pursuant to Section 39(3) of the Act to, if the Council receives a request under Section 39(2) of the Act, within 28 days after receiving the request or such longer period as the Chief Public Health Officer may specify, furnish the Chief Public Health Officer with a written report on the action that the Council intends to take in response to the request.
4. Power of Chief Public Health Officer to Act	
4.1	The power pursuant to Section 40(2) of the Act to consult with the Chief Public Health Officer.
5. Council Failing to Perform a Function Under Act	
5.1	The power pursuant to Section 41(1) of the Act to consult with the Minister in relation to the Minister's opinion that the Council has failed, in whole or in part, to perform a function conferred on the Council under the Act.
5.2	The power pursuant to Section 41(6) of the Act to:
5.2.1	make written submissions to the Minister in relation to the matter within a period specified by the Minister; and
5.2.2	request in the written submissions to the Minister that the Minister discuss the matter with a delegation representing the Council; and
5.2.3	appoint a delegation representing the Council to discuss the matter

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**INSTRUMENT OF DELEGATION UNDER THE SOUTH
AUSTRALIAN PUBLIC HEALTH ACT 2011 AND SOUTH
AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013,
SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013
AND SOUTH AUSTRALIAN PUBLIC HEALTH (GENERAL) REGULATIONS 2013**

with the Minister.	
6. Transfer of Function of Council at Request of Council	
6.1	The power pursuant to Section 42(1) of the Act to request, in accordance with Section 42(2), of the Act that a function of the Council under the Act be performed by the Chief Public Health Officer.
6.2	The power pursuant to Section 42(10) of the Act to enter into an agreement with the Minister for the Minister to recover costs and expenses associated with the Chief Public Health Officer acting under Section 42 of the Act.
6.3	The power pursuant to Section 42(11) of the Act to request that the Minister vary or revoke a notice under Section 42 of the Act.
6.4	The power pursuant to Section 42(11) of the Act to consult with the Minister in relation to the Minister varying or revoking a notice under Section 42 of the Act.
7. Local Authorised Officers	
7.1	The power pursuant to Section 44(1) of 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.
7.2	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.
7.3	The power pursuant to Section 44(4) of the Act to direct a local authorised officer.
7.4	The power pursuant to Section 44(6) of the Act to vary or revoke an appointment at any time.
7.5	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:
7.5.1	makes an appointment under Section 44 of the Act; or
7.5.2	revokes an appointment under Section 44 of the Act.
7.6	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

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**INSTRUMENT OF DELEGATION UNDER THE SOUTH
AUSTRALIAN PUBLIC HEALTH ACT 2011 AND SOUTH
AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013,
SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013
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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.
8. Identity Cards
8.1 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:
8.1.1 containing the person's name and a photograph of the person; and
8.1.2 stating that the person is an authorised officer for the purposes of the Act; and
8.1.3 setting out the name or office of the issuing authority.
9. Specific Power to Require Information
9.1 The power pursuant to Section 49(1) of the Act to require a person to furnish such information relating to public health as may be reasonably required for the purposes of the Act.
10. Regional Public Health Plans
10.1 The power pursuant to Section 51(1) of the Act to in accordance with Sections 51(2), (5), (6), (8), (9), (11), (12), (13) and (15) of the Act prepare and maintain a plan or, if the Minister so determines or approves, with a group of councils, prepare and maintain a plan, for the purposes of the operations of the Council or Councils under the Act (a regional public health plan).
10.2 The power pursuant to Section 51(10) of the Act, to, subject to Section 51(11), amend a regional public health plan at any time.
10.3 The power pursuant to Section 51(11) of the Act to, in relation to any proposal to create or amend a regional public health plan:
10.3.1 prepare a draft of the proposal; and
10.3.2 when the draft plan is completed, subject to Section 51(12) of the Act:
10.3.2.1 give a copy of it to:
(a) the Minister; and

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**INSTRUMENT OF DELEGATION UNDER THE SOUTH
AUSTRALIAN PUBLIC HEALTH ACT 2011 AND SOUTH
AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013,
SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013
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	(b) any incorporated hospital established under the <i>Health Care Act 2008</i> that operates a facility within the region; and
	(c) any relevant public health partner authority under Section 51(23); and
	(d) any other body or group prescribed by the regulations; and
10.3.2.2 take steps to consult with the public.	
10.4	The power pursuant to Section 51(12) of the Act to, if required by the Minister, consult with the Minister, or any other person or body specified by the Minister, before the Council or EHA releases a draft plan under Section 51(11).
10.5	The power pursuant to Section 51(13) of the Act to, before bringing a regional public health plan into operation, submit the plan to the Chief Public Health Officer for consultation.
10.6	The power pursuant to Section 51(15) of the Act to take into account any comments made by the Chief Public Health Officer, SAPHC, and any other body within the ambit of a determination under Section 51(14) of the Act, at the conclusion of the consultation processes envisaged by Sections 51(13) and (14).
10.7	The power pursuant to Section 51(16) of the Act to then adopt a plan or amend a plan with or without alteration.
10.8	<i>Deliberately left blank.</i>
10.9	The power pursuant to Section 51(18) of the Act to provide in a regional public health plan, by agreement with the public health partner authority, for a public health partner authority to take responsibility for undertaking any strategy, or for attaining any priority or goal, under the plan.
10.10	The power pursuant to Section 51(19) of the Act to review a regional public health plan at least once in every 5 years.
10.11	The power pursuant to Section 51(20) of the Act to, in preparing and reviewing the Council's regional public health plan insofar as is reasonably practicable, give due consideration to the plans of other councils insofar as this may be relevant to issues or activities under the Council's plan.
10.12	The power pursuant to Section 51(21) of the Act to, when performing

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**INSTRUMENT OF DELEGATION UNDER THE SOUTH
AUSTRALIAN PUBLIC HEALTH ACT 2011 AND SOUTH
AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013,
SOUTH AUSTRALIAN PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013
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<p>functions or exercising powers under the Act or any other Action on behalf of the Council, insofar as may be relevant and reasonable, have regard to the State Public Health Plan, any regional public health plan that applies within the relevant area and any other requirement of the Minister, and in particular to give consideration to the question whether the Council or EHA should implement changes to the manner in which, or the means by which, the Council or EHA performs a function or exercises a power or undertakes any other activity that has been identified in the State Public Health Plan as requiring change.</p>
<p>11. Reporting on Regional Public Health Plans</p>
<p>11.1 The power pursuant to Section 52(1) of the Act to, in relation to a regional health plan for which the Council is responsible, on a 2 yearly basis, prepare a report that contains a comprehensive assessment of the extent to which, during the reporting period, the Council has succeeded in implementing its regional public health plan to the Chief Public Health Officer in accordance with Sections 52(2), (3) and (4) of the Act.</p>
<p>12. Action to Prevent Spread of Infection</p>
<p>12.1 The power pursuant to Section 66(6) of the Act to recover as a debt costs and expenses reasonably incurred in exercising powers under Section 66(5) of the Act from the person who failed to take the required action.</p>
<p>12.2 The power pursuant to Section 66(9) of the Act to, if the Chief Public Health Officer informs the Council of the occurrence of a disease constituting a notifiable condition, take such action as is reasonably open to EHA to assist in preventing the spread of the disease.</p>
<p>13. Notices</p>
<p>13.1 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:</p>
<p>13.1.1 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</p>
<p>13.1.2 averting, eliminating or minimising a risk, or a perceived risk, to public health.</p>
<p>13.2 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:</p>

**INSTRUMENT OF DELEGATION UNDER THE SOUTH
AUSTRALIAN PUBLIC HEALTH ACT 2011 AND SOUTH
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13.2.1	have regard to:
13.2.1.1	the number of people affected, or potentially affected, by the breach of the duty;
13.2.1.2	the degree of harm, or potential degree of harm, to public health on account of the breach of the duty;
13.2.1.3	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 EHA thinks fit; and
13.2.2	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:
13.2.2.1	stating the proposed action, including the terms of the proposed notice and the period within which compliance with the notice will be required; and
13.2.2.2	stating the reasons for the proposed action; and
13.2.2.3	inviting the person show, within a specified time (of a reasonable period), why the proposed action should not be taken (by making representations to EHA or a person nominated to act on behalf of the Council).
13.3	The power pursuant to Section 92(2)(b)(iii) of the Act to nominate a person to act on behalf of the Council.
13.4	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:
13.4.1	issue a notice in accordance with the terms of the original proposal; or
13.4.2	issue a notice with modifications from the terms of the original proposal; or
13.4.3	determine not to proceed further under Section 92.
13.5	The power pursuant to Section 92(4) of the Act to:
13.5.1	not give notice under Section 92(2)(b) of the Act if the Delegate

**INSTRUMENT OF DELEGATION UNDER THE SOUTH
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AUSTRALIAN PUBLIC HEALTH (LEGIONELLA) REGULATIONS 2013,
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	considers that urgent or immediate action is required in the circumstances of the particular case; and
13.5.2	not give further notice before issuing a notice with modifications under Section 92(3)(b) of the Act.
13.6	The power pursuant to Section 92(5) of the Act issue a notice under Section 92 of the Act:
13.6.1	in the form of a written notice served on the person to whom it is issued; and
13.6.2	specifying the person to whom it is issued (whether by name or by a description sufficient to identify the person); and
13.6.3	directing 2 or more persons to do something specified in the notice jointly; and
13.6.4	without limiting any other provision, in the case of a notice that relates to the condition of any premises, to any person who:
13.6.4.1	is the owner or occupier of the premises; or
13.6.4.2	has the management or control of the premises; or
13.6.4.3	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
13.6.5	stating the purpose for which the notice is issued and giving notice of the requirement or the risk to which it relates; and
13.6.6	imposing any requirement reasonably required for the purpose for which the notice is issued including 1 or more of the following:
13.6.6.1	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;
13.6.6.2	a requirement that the person not carry on a specified activity except at specified times or subject to specified conditions;
13.6.6.3	a requirement that the person take specified action in a specified way, and within a specified period or at

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**INSTRUMENT OF DELEGATION UNDER THE SOUTH
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	specified times or in specified circumstances;
13.6.6.4	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;
13.6.6.5	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;
13.6.6.6	a requirement that the person undertake specified tests or monitoring;
13.6.6.7	a requirement that the person furnish to a relevant authority specified results or reports;
13.6.6.8	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;
13.6.6.9	a requirement prescribed under or for the purposes of the regulations; and
13.6.7	stating that the person may, within 14 days, apply for a review of the notice or institute an appeal against the notice under the provisions of the Act.
13.7	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 EHA or the Council, vary or revoke the notice.
13.8	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 EHA issues a notice under Section 92 of the Act.
14.	Action on Non-compliance with Notice
14.1	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.
14.2	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

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**INSTRUMENT OF DELEGATION UNDER THE SOUTH
AUSTRALIAN PUBLIC HEALTH ACT 2011 AND SOUTH
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	the Act.
14.3	The power pursuant to Section 93(4) of the Act to recover the reasonable costs and expenses incurred by EHA or 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.
14.4	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.
15. Action in Emergency Situations	
15.1	The power pursuant to Section 94(5) of the Act to recover the reasonable costs and expenses incurred by a local authorised officer in taking action under Section 94 from any person who caused the risk to which the action relates, as a debt.
16. Reviews – Notices Relating to General Duty	
16.1	The power pursuant to Section 95(13) of the Act to appear in proceedings before the Review Panel as a representative of the Council.
16.2	The power pursuant to Section 95(15) of the Act to make an application to the Review Panel to:
16.2.1	dismiss or determine any proceedings that appear:
16.2.1.1	to be frivolous or vexatious; or
16.2.1.2	to have been instituted for the purpose of delay or obstruction, or for some other improper purpose;
16.2.2	bring any proceedings to an end that appear:
16.2.2.1	to be more appropriate suited to proceedings before the District Court rather than the Review Panel; or
16.2.2.2	to be unable to be satisfactorily resolved (or resolved within a reasonable period) by proceedings before the Review Panel; or
16.2.3	bring any proceedings to an end for any other reasonable cause.

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**INSTRUMENT OF DELEGATION UNDER THE SOUTH
AUSTRALIAN PUBLIC HEALTH ACT 2011 AND SOUTH
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AND SOUTH AUSTRALIAN PUBLIC HEALTH (GENERAL) REGULATIONS 2013**

17. Appeals

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| 17.1 The power pursuant to Section 96(3) of the Act and subject to Section 96(4) of the Act, appeal to the District Court against the outcome of review proceedings under Division 3, Part 12 of the Act. |
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**SOUTH AUSTRALIAN PUBLIC HEALTH
(LEGIONELLA) REGULATIONS 2013**

18. Duty to Register High Risk Manufactured Water System

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| 18.1 The power pursuant to Regulation 5(3) of the South Australian Public Health (Legionella) Regulations 2013 (the Legionella Regulations) to, on application made in a manner and form approved by the Council or EHA and payment of the registration fee specified in Schedule 1 to the Council or EHA, register the high risk manufactured water system to which the application relates. |
| 18.2 The power pursuant to Regulation 5(6) of the Legionella Regulations, to, on application made in a manner and form approved by the Council or EHA and payment of the renewal fee specified in Schedule 1 to the Council or EHA, renew the registration of the high risk manufactured water system to which the application relates. |

19. Register of High Risk Manufactured Water Systems

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| 19.1 The power pursuant to Regulation 6(2) of the Legionella Regulations and subject to Regulation 6(3) of the Legionella Regulations to determine the manner and form of a register of high risk manufactured water systems registered by EHA and/or the Council. |
| 19.2 The power pursuant to Regulation 6(3) of the Legionella Regulations to include in relation to each high risk manufactured water system on the register: |
| 19.2.1 the type of water system; and |
| 19.2.2 the address of the premises on which the water system is installed; and |
| 19.2.3 the location of the water system on the premises; and |
| 19.2.4 the full name and residential and business addresses of the owner |

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**INSTRUMENT OF DELEGATION UNDER THE SOUTH
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	of the premises; and
19.2.5	the full name, residential and business addresses, and residential and business telephone numbers, of the person nominated by the owner of the premises as being responsible for the operation and maintenance of the water system,
	and such other information as EHA thinks fit.
19.3	The power pursuant to Regulation 15(2) of the Legionella Regulations to, at least once in every 12 months, give the owner of each of the premises on which a high risk manufactured water system registered with EHA and/or the Council is installed, written notice:
19.3.1	requiring the owner, within the period specified in the notice:
19.3.1.1	to cause an inspection of the water system to be carried out by a competent person (not being the owner or person responsible for the operation and maintenance of the system); and
19.3.1.2	to arrange for a NATA accredited laboratory to conduct microbiological testing, in accordance with AS/NZS 3896:
(a)	of at least 1 sample of water taken from a cooling water system; and
(b)	of at least 2 samples of water taken from a warm water system,
	to determine the presence and number of colony forming units of Legionella in the water; and
19.4	requiring the owner to submit to the Council or EHA written reports setting out the findings of the inspection and the results of the microbiological testing within 1 month of receiving the reports.
20.	Power of Council to Require Microbiological Testing in Other Circumstances
20.1	The power pursuant to Regulation 16(1) of the Legionella Regulations, if:
20.1.1	the Council or EHA is investigating the occurrence of Legionellosis in the near vicinity of premises on which a high risk manufactured water system is installed; or

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<p>20.1.2 the Council or EHA has reason to believe that a high risk manufactured water system installed on premises situated in its area is not being maintained as required by these regulations,</p> <p>to give the owner of the premises written notice:</p>	<p>20.1.3 requiring the owner (either immediately or within a period specified in the notice) to arrange for a NATA accredited laboratory to conduct microbiological testing, in accordance with AS/NZS 3896, of water taken from the system, to determine the presence and number of colony forming units of Legionella in the water; and</p> <p>20.1.4 requiring the owner to submit to EHA or the Council a written report setting out the results of the microbiological testing within 24 hours of receiving the report.</p>
<p>21. Fees</p>	
<p>21.1 The power pursuant to Regulation 21(3) of the Legionella Regulations, if a person is liable to pay a fee to EHA or the Council, to give the person written notice requiring the person to pay the fee within the period specified in the notice.</p>	
<p>21.2 The power pursuant to Regulation 21(4) of the Legionella Regulations, to reduce or remit a fee payable to EHA or the Council under the Legionella Regulations if satisfied that it is appropriate to do so in a particular case.</p>	
<p>21.3 The power pursuant to Regulation 21(5) of the Legionella Regulations, to recover a fee payable to EHA or the Council under the Legionella Regulations by action in a court of competent jurisdiction as a debt due to the Council.</p>	

**SOUTH AUSTRALIAN PUBLIC HEALTH
(WASTEWATER) REGULATIONS 2013**

<p>22. Relevant Authority</p>	<p>22.1 The power pursuant to Regulation 6(1)(b) of the South Australian Public Health (Wastewater) Regulations 2013 (the Wastewater Regulations) to, agree to act as the relevant authority for a matter relating to an on-site wastewater system with a capacity that does not, or will not, on completion of wastewater works, exceed 40 EP and that is located or to be located in another council area if the system is to be operated by another council or wastewater works related to the system are to be undertaken by another</p>
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council, or by a person acting in partnership, or in conjunction with that other council.
23. Public Notification of Proposed Community Wastewater Management System
23.1 <i>Deliberately left blank.</i>
24. Connection to Community Wastewater Management System
24.1 <i>Deliberately left blank.</i>
24.1.1 <i>Deliberately left blank.</i>
24.1.2 <i>Deliberately left blank.</i>
24.1.2.1 <i>Deliberately left blank.</i>
24.1.2.2 <i>Deliberately left blank.</i>
24.2 <i>Deliberately left blank.</i>
24.3 <i>Deliberately left blank.</i>
24.4 <i>Deliberately left blank.</i>
24.5 <i>Deliberately left blank.</i>
25. Exemptions
25.1 The power pursuant to Regulation 10(3) of the Wastewater Regulations to give an exemption by written notice and subject to conditions determined by EHA and stated in the notice.
25.2 The power pursuant to Regulation 10(4) of the Wastewater Regulations to vary or revoke an exemption by further written notice to the holder of the exemption.
26. Exemptions From Prescribed Codes
26.1 The power pursuant to Regulation 15(3) of the Wastewater Regulations to give an exemption by written notice and is subject to conditions determined by EHA and stated in the notice.
26.2 The power pursuant to Regulation 15(5) of the Wastewater Regulations to vary or revoke an exemption by further written notice to the holder of the

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exemption.
27. Application
27.1 The power pursuant to Regulation 23(2) of the Wastewater Regulations to, by written notice, ask the applicant to provide EHA or the Council with further technical specifications, information or documents relevant to the application or to modify the technical specifications submitted for approval.
28. Determination of Application
28.1 The power pursuant to Regulation 24(1) of the Wastewater Regulations to refuse to grant a wastewater works approval:
28.1.1 if the applicant fails to satisfy EHA of either or both of the following:
28.1.1.1 that the technical specifications for the wastewater works comply with the prescribed codes;
28.1.1.2 that the wastewater works will not, if undertaken in accordance with the conditions of approval, adversely affect or threaten public or environmental health; or
28.1.2 for any other sufficient reason.
28.2 The power pursuant to Regulation 24(2) of the Wastewater Regulations, if an application for a wastewater works approval relates to the connection of a community wastewater management system to SA Water sewerage infrastructure or a significant increase in the amount of wastewater to be discharged from a community wastewater management system to SA Water sewerage infrastructure, to give SA Water a reasonable opportunity to comment on the application and take into account any comments so made.
29. Conditions of Approval
29.1 The power pursuant to Regulation 25(2) of the Wastewater Regulations to impose:
29.1.1 any 1 or more of the following prescribed expiable conditions:
29.1.1.1 a condition that sets out mandatory notification stages during the progress of wastewater works when a person is required to notify EHA and/or the Council in a specified manner and stop the work pending an

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	inspection carried out at the person's expense;
29.1.1.2	a condition that requires the display of specified notices on the premises on which the wastewater system is located;
29.1.1.3	a condition that requires a person to monitor the performance of the wastewater system in a specified manner (including by inspections carried out at specified times at the person's expense) and to provide EHA and/or the Council with specified information in a specified manner and at specified times;
29.1.1.4	a condition that provides that specified material must not, or that only specified material may, be discharged into, or from, the wastewater system;
29.1.1.5	a condition that requires the wastewater system to be operated, maintained or serviced by a person of a specified class;
29.1.1.6	a condition that requires records of a specified kind to be created, maintained, and provided to EHA and/or Council; or
29.1.2	any other conditions including any 1 or more of the following:
29.1.2.1	a condition that requires decommissioning of the wastewater system:
	(a) after a specified trial period; or
	(b) in specified circumstances; or
	(c) on written notice to the operator of the system;
29.1.2.2	a condition that requires a wastewater system to be connected to a community wastewater management system;
29.1.2.3	a condition that prevents activities that would adversely affect the operation or maintenance of a drain or treatment or disposal system or the reuse of wastewater from the wastewater system;
29.1.2.4	a condition that requires a wastewater system to have

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	various access points for maintenance or inspection (raised to or terminating at surface level, or as required by EHA or the Council);
29.1.2.5	a condition that provides that a wastewater system must not be used unless or until it has been inspected or tested by an independent wastewater engineer and the Council EHA supplied with a certificate given by that expert certifying that the wastewater works have been undertaken in accordance with the approved technical specifications;
29.1.2.6	a condition that otherwise specifies requirements relating to: <ul style="list-style-type: none"> (a) the installation of the wastewater system; or (b) the decommissioning of the wastewater system; or (c) the connection of the wastewater system to a community wastewater management system or SA Water sewerage infrastructure or the disconnection of the wastewater system from a community wastewater management system or from SA Water sewerage infrastructure; or (d) the operation, servicing and maintenance of the wastewater system; or (e) the reuse or disposal of wastewater from the wastewater system.
29.2	The power pursuant to Regulation 25(3) of the Wastewater Regulations to impose a condition of approval that:
29.2.1	provides that a matter or thing is to be determined according to the discretion of the Council, EHA, or some other specified person or body; and
29.2.2	operates by reference to the manuals referred to in a product approval for the wastewater system; and
29.2.3	operates by reference to a specified code as in force at a specified time or as in force from time to time.
29.3	The power pursuant to Regulation 25(6) of the Wastewater Regulations to,

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	on application and payment of the fee fixed by Schedule 1, by written notice to the applicant, vary or revoke a condition of a wastewater works approval.
29.4	The power pursuant to Regulation 25(7) of the Wastewater Regulations to, on EHA's own initiative, by written notice to the operator of a wastewater system to which a wastewater works approval applies, vary or revoke a condition of the approval or impose a further condition, provided that the variation, revocation or imposition does not take effect until at least 6 months after the giving of the notice unless:
29.4.1	the operator consents; or
29.4.2	EHA states in the notice that, in his/her opinion, the variation, revocation or imposition is necessary in order to prevent or mitigate significant harm to public or environmental health or the risk of such harm.
30. Expiry of Approval	
30.1	The power pursuant to Regulation 26(2) of the Wastewater Regulations to, on application and payment of the fee fixed by Schedule 1, postpone the expiry of a wastewater works approval for a specified period.
31. Registers of Wastewater Works Approvals	
31.1	The power pursuant to Regulation 27(3) of the Wastewater Regulations, to extend the registers to include wastewater works approvals granted under the revoked regulations.
31.2	The power pursuant to Regulation 27(6) of the Wastewater Regulations to include in the registers other information considered appropriate by the EHA.
32. Requirement to Obtain Expert Report	
32.1	The power pursuant to Regulation 29(1) of the Wastewater Regulations, if EHA suspects on reasonable grounds that a wastewater system is adversely affecting or threatening public or environmental health, to give the operator of the system a written notice requiring the operator to obtain and provide to EHA and/or the Council a written report from an independent wastewater engineer within a specified period addressing specified matters.
32.2	The power pursuant to Regulation 29(3) of the Wastewater Regulations, if the requirements of a notice under Regulation 29 of the Wastewater Regulations are not complied with to obtain the required report and recover the costs and expenses reasonable incurred in doing so from the person

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	who failed to comply with the notice, as a debt.
32.3	The power pursuant to Regulation 29(3) of the Wastewater Regulations, to authorise a person to enter land at any reasonable time for the purposes of the report.
33. Fees	
33.1	The power pursuant to Regulation 33(1) of the Wastewater Regulations, to refund, reduce or remit payment of a fee payable under the Wastewater Regulations if EHA considers that appropriate in the circumstances.
33.2	The power pursuant to Regulation 33(2) of the Wastewater Regulations, to recover a fee payable to the Council by action in a court of competent jurisdiction as a debt due to the Council.

**SOUTH AUSTRALIAN PUBLIC HEALTH (GENERAL)
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34. Non-compliance with Notices (Section 93(6) of Act)	
34.1	The power pursuant to Regulation 5B(2) of the South Australian Public Health (General) Regulations 2013 (the General Regulations), for the purposes of the creation of a charge on land under Section 93 of the Act, to deliver to the Registrar-General a notice, in a form determined by the Minister on the recommendation or with the approval of the Registrar-General:
34.1.1	setting out the amount recoverable under Section 93 of the Act; and
34.1.2	setting out the land in relation to which the relevant action was taken; and
34.1.3	requesting the Registrar-General to make a notation under Regulation 5B of the General Regulations in relation to the relevant land.
34.2	The power pursuant to Regulation 5B(8) of the General Regulations, if or when the amount to which the charge relates is paid, to by further notice in writing to the Registrar-General (being a notice in a form determined by the Minister on the recommendation or with the approval of the Registrar-General) cancel the charge.

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SCHEDULE OF CONDITIONS

**CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
3	The powers delegated at paragraphs 3.1-3.3 of this instrument can only be exercised after EHA has received consent from the Chief Executive Officer of the Council to exercise those powers on a case-by-case basis.
5.2	The powers delegated at paragraph 5.2 of this instrument can only be exercised after EHA has received consent from the Chief Executive Officer of the Council to exercise those powers on a case-by-case basis.
6	The powers delegated at paragraphs 6.1-6.4 of this instrument can only be exercised after EHA has received consent from the Chief Executive Officer of the Council to exercise those powers on a case-by-case basis.

ATTACHMENT F

INSTRUMENT OF DELEGATION UNDER THE SUPPORTED RESIDENTIAL FACILITIES ACT 1992 AND THE SUPPORTED RESIDENTIAL FACILITIES REGULATIONS 2009

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED BY THE COUNCIL IN THIS INSTRUMENT TO THE EASTERN HEALTH AUTHORITY

1. Appointment of Authorised Officers
1.1 The power pursuant to Section 21(1) of the Supported Residential Facilities Act 1992 ("the Act") to appoint a person to be an authorised officer under the Act;
1.2 The duty pursuant to Section 21(2) of the Act to issue to an authorised officer an identity card; and
1.3 The power pursuant to Section 21(4) of the Act by notice in writing served on an authorised officer, to revoke the appointment as an authorised officer.
2. Application for a Licence
2.1 The power pursuant to Section 24(3) of the Act by notice in writing not later than two months after a licence application has been made, to require the applicant to furnish specified information;
2.2 The power pursuant to Section 24(5) of the Act to require any information included in an application or required by a notice to be verified by statutory declaration;
2.3 The power pursuant to Section 24(9) of the Act subject to such conditions as Eastern Health Authority (EHA) thinks fit, to conditionally approve the issue of a licence in respect of proposed premises and the duty where satisfied that the premises have been established in substantial compliance with those conditions (and within such a period, if

**INSTRUMENT OF DELEGATION UNDER THE SUPPORTED RESIDENTIAL FACILITIES ACT 1992
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	any as EHA may have determined), to grant a licence; and
2.4	Where an application for a licence is refused, the duty pursuant to Section 24(10) of the Act notify the applicant in writing of the refusal, the reasons for the refusal, and any appeal rights that the applicant has under the Act.
2.5	The duty, pursuant to Section 25(1) of the Act in considering an application for a licence in respect of the use of premises as a supported residential facility, to take into account those matters specified in this Section and such other matters as EHA thinks fit;
2.6	The duty pursuant to Section 25(2) of the Act in determining whether or not an applicant is suitable to be granted a licence, to have regard to those matters specified in this Section and to such other matters as EHA thinks fit;
2.7	The duty pursuant to Section 25(3) of the Act in determining whether or not premises are suitable to be used as a supported residential facility, to have regard to those matters specified in Section 25(3) of the Act and to such other matters as EHA thinks fit;
2.8	The duty pursuant to Section 25(4) of the Act not to grant a licence where it appears that the facility would not be administered in accordance with the principles prescribed in Part 2 of the Act.
3.	Renewal of Licence
3.1	The power pursuant to Section 27(3) of the Act at EHA's discretion, to determine a late application for renewal provided that the applicant pays the prescribed late application fee;
3.2	The duty pursuant to Section 27(4) of the Act by notice in writing served on the applicant, to give a decision on an application for the renewal of a licence before the date of expiry of the licence and where EHA decides to refuse an application for renewal of a licence, the duty to state in the notice of refusal the reasons for the refusal and the appeal rights that the applicant may have under the Act.
3.3	The power pursuant to Section 28 of the Act to refuse to renew a licence on any ground on which a licence may be cancelled.
4.	Licence Conditions
4.1	The power pursuant to Section 29(2) of the Act to impose licence conditions with respect to such matters as are contemplated by the Act or as EHA considers necessary or expedient for the purposes of the Act;
4.2	Pursuant to Section 29(3) of the Act where conditions are imposed by

**INSTRUMENT OF DELEGATION UNDER THE SUPPORTED RESIDENTIAL FACILITIES ACT 1992
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EHA:	
4.2.1	if imposed at the time of grant or renewal of the licence – the duty to include them in the licence itself;
4.2.2	if imposed during the currency of the licence – the duty to impose them by notice in writing served on the holder of the licence;
4.2.3	the power to vary or revoke conditions at any time by notice in writing served on the holder of the licence;
4.3	Deliberately left blank.
5. Transfer of Licence	
5.1	The duty pursuant to Section 30(4) of the Act, upon due application under Section 30 of the Act and payment of the prescribed fee, to transfer the licence to the proposed transferee if satisfied that the proposed transferee would be a suitable person to be granted a licence under the Act.
6. Cancellation of Licence	
6.1	The power pursuant to Section 31(1) of the Act, to cancel a licence, on reasonable grounds, where satisfied that any of the matters specified in this Section are applicable;
6.2	The duty pursuant to Section 31(2) of the Act before acting under this Section, to notify the holder of the licence in writing of the proposed cancellation of the licence and allow the holder of the licence at least 28 days within which to make submissions in relation to the proposed action;
6.3	The power pursuant to Section 31(3) of the Act pending the cancellation (or possible cancellation) of a licence under this Section, to impose conditions to protect the interests of the residents of the facility; and
6.4	The power pursuant to Section 31(4) of the Act, to appoint an administrator of the facility and to take such other steps as may be reasonable to secure the proper care of the residents of the facility.
7. Appeals	
7.1	The power pursuant to Section 32(5) of the Act where EHA is satisfied that an applicant for renewal of a licence has instituted or intends to institute an appeal, to order that the licence remain in force until the determination of the appeal; and to impose such conditions as EHA thinks fit.

**INSTRUMENT OF DELEGATION UNDER THE SUPPORTED RESIDENTIAL FACILITIES ACT 1992
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7.2 The power pursuant to Section 32(7) of the Act if a person contravenes, or fails to comply with, a condition imposed under Section 32(5) of the Act to revoke any order to which the condition relates.

7.3 The duty pursuant to Section 33(1) of the Act, and subject to Section 33(2), where application is made for a licence in respect of a facility that was in operation during the period of three (3) months immediately preceding the commencement of the Section, to upon payment of the prescribed fee, grant a licence in accordance with the Act for a term of one year.

8. Appointment of Manager

8.1 The power pursuant to Section 34(1) of the Act where the proprietor of a facility is not directly involved in the management of the facility or the proprietor of a facility is a body corporate, to approve a natural person for the purpose of managing the facility under that person's personal supervision.

8.2 The power pursuant to Section 34(2) of the Act to extend the period of management without supervision.

9. Death of Licensee

9.1 The power pursuant to Section 35 of the Act, where the holder of a licence dies, to approve the personal representative or some other person to be taken to be the holder of the licence (on the same conditions as applicable to the former holder of the licence) as from the date of death until the expiration of six months from that date or until such later date as may be fixed by EHA.

10. Revision of Resident Contract by Proprietor

10.1 The power pursuant to Section 39(2)(b) of the Act to approve the method of providing a termination notice subject to this Section.

11. Disputes

11.1 The power pursuant to Section 43(2) of the Act on an application made in relation to any of the matters specified in Section 43(1) of the Act, to explore any possible avenue of achieving conciliation between the parties and for these purposes, EHA, may as it thinks fit, take any action in accordance with Section 43(3) of the Act;

11.2 The power pursuant to Section 43(6) of the Act, to require an applicant, to furnish such further information in relation to the subject matter of the application as EHA thinks necessary, and to verify any information by statutory declaration;

**INSTRUMENT OF DELEGATION UNDER THE SUPPORTED RESIDENTIAL FACILITIES ACT 1992
AND SUPPORTED RESIDENTIAL FACILITIES REGULATIONS 2009**

11.3	The duty pursuant to Section 43(7) of the Act to give the applicant and the respondent reasonable notice of the time and place of any hearing of the application;
11.4	The power pursuant to Section 43(9) of the Act where satisfied that an interim order is justified by the urgent circumstances of the case, to make an interim order pending final resolution of the matter.
11.5	The power pursuant to Section 43(11) of the Act to vary or revoke an order made under Section 43 of the Act;
11.6	The power, pursuant to Section 43(12) of the Act -
11.6.1	to decline to proceed with an application under this Section until satisfied that reasonable steps have been taken to resolve the dispute pursuant to other procedures specified by EHA;
11.6.2	to decline to proceed with an application under this Section if EHA considers that it would be more appropriate for proceedings to be taken in a court or tribunal constituted by law; or
11.6.3	to decline to proceed (or further proceed) with an application under this Section if proceedings related to the subject matter of the application have been commenced in a court or tribunal constituted by law; and
11.7	The duty pursuant to Section 43(13) of the Act in determining any application under this Section, to act with as much expedition as is reasonably practicable in the circumstances.
12.	Attendance by Health Service Providers etc.
12.1	The power pursuant to Section 47(1) of the Act to approve a health service provider, social worker, or any person, for the purposes of Section 47.
13.	Complaints
13.1	The power pursuant to Section 49(1) of the Act to receive a complaint about the management of a supported residential facility or any residential-only premises or about the conduct of a resident of a supported residential facility or any residential-only premises.
13.2	The power pursuant to Section 49(2) of the Act to require a complaint to be reduced to writing.
13.3	The power pursuant to Section 49(3) of the Act to take such action as EHA thinks fit in view of the complaint.

**INSTRUMENT OF DELEGATION UNDER THE SUPPORTED RESIDENTIAL FACILITIES ACT 1992
AND SUPPORTED RESIDENTIAL FACILITIES REGULATIONS 2009**

- 13.4 The power pursuant to Section 49(4) of the Act to appoint an authorised officer to carry out an investigation into the circumstances surrounding the complaint and to attempt to resolve the matter as expeditiously as possible.

14. Regulations

- 14.1 Pursuant to Sections 57(5) and (6) of the Act where the proprietor of a facility who holds a licence under the Act applies to EHA for an exemption from a regulation that applies to the facility and EHA is satisfied -

- 14.1.1 that EHA can grant the exemption without seriously affecting the interests of a resident of the facility; and

- 14.1.2 that it is appropriate for EHA to grant the exemption in the circumstances of the particular case,

the power to, by notice in writing to the proprietor, exempt the proprietor from the regulation to which the application relates, on such conditions as EHA thinks fit.

- 14.2 The power pursuant to Section 57(7) of the Act, to, at any time, by further notice to the proprietor:

- 14.2.1 revoke an exemption under Section 57(5);

- 14.2.2 vary or revoke a condition under Section 57(6).

**DELEGATIONS UNDER THE SUPPORTED RESIDENTIAL FACILITIES
REGULATIONS 2009**

15. The duty pursuant to Regulation 4(1) of the Supported Residential Facilities Regulations 2009 (“the Regulations”) to decide an application for a licence under Section 24 of the Act within eight weeks of the application being made.
16. The duty pursuant to Regulation 4(2) of the Regulations, in considering an application for a licence in respect of the use of premises (or proposed premises) as a supported residential facility, to take into account the extent to which the premises (or proposed premises) accord with the standards prescribed by or under the Building Code of Australia.
17. The power pursuant to Regulation 5(2) of the Regulations to receive a copy of a prospectus, or a copy of an alteration to a prospectus, and a copy of the written statement required to accompany the prospectus or alteration to the prospectus

**INSTRUMENT OF DELEGATION UNDER THE SUPPORTED RESIDENTIAL FACILITIES ACT 1992
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pursuant to Regulation 5(2)(b) of the Regulations.
18. The power pursuant to Regulation 14(1)(b) of the Regulations to receive information of any untoward medical event that occurs in relation to a resident of a facility.
19. The power pursuant to Regulation 17(2) of the Regulations to approve an acting manager for the purpose of appointment to or otherwise assuming the duties of the office of manager of a facility if, for a period exceeding seven days, a manager is absent from the duties of office, or the position of manager is temporarily vacant and a resident of the facility is in need of personal care services.
20. The power pursuant to Regulation 18(1) of the Regulations to approve a registered nurse as being a person who has appropriate qualifications, skills and experience to oversee the provision of nursing care at a facility.
21. The power pursuant to Regulation 18(2) of the Regulations, if there is a change in the type or level of services provided at a nursing home, to revoke, by notice in writing to the proprietor, an approval under Regulation 18(1) of the Regulations and require that a new appointment be made to ensure that the person who oversees the provision of nursing care at the facility has the qualifications, skills and experience appropriate to the facility.
22. The power pursuant to Regulation 21(1)(b) of the Regulations to approve a kitchen at a facility otherwise than in accordance with the requirements of Regulation 21(1)(b) of the Regulations.
23. The power pursuant to Regulation 21(3)(e) of the Regulations to require the fitting of handrails, ramps and, for a multi-storey building, lifts.
24. The power pursuant to Regulation 24(1) of the Regulations to direct the proprietor of a facility to install a communication system at the facility.
25. The duty pursuant to Regulation 26(2) of the Regulations to remit amounts payable to the indemnity fund under Section 56(4) of the Act to the fund manager within 28 days after the end of the financial year in which they are received by EHA.

**INSTRUMENT OF DELEGATION UNDER THE SUPPORTED RESIDENTIAL FACILITIES ACT 1992
AND SUPPORTED RESIDENTIAL FACILITIES REGULATIONS 2009**

SCHEDULE OF CONDITIONS

**CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
	NIL

APPENDIX 1

**INSTRUMENT OF SUBDELEGATION UNDER THE
ENVIRONMENT PROTECTION ACT 1993 AND
THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES) POLICY 2010**

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council and EHA Board resolution(s) to identify when these delegations were made, reviewed and or amended.
3. Legend for Sub Delegations
CEO – Chief Executive Officer

**POWERS AND FUNCTIONS SUBDELEGATED BY THE EASTERN
HEALTH AUTHORITY IN THIS INSTRUMENT TO THE OFFICERS AND
EMPLOYEES OF EASTERN HEALTH AUTHORITY**

Power/Function	Office/position to which power/function subdelegated
1. The power pursuant to Section 85(3) of the Environment Protection Act 1993 ("the Act"), to appoint authorised officers for the purposes of the Act.	CEO
2. The power pursuant to Section 85(4) of the Act to make an appointment under Section 85(3) of the Act subject to conditions to be specified in the instrument of appointment, and subject to conditions prescribed by regulation.	CEO
3. The power pursuant to Section 85(5) of the Act to revoke an appointment or to vary or revoke a condition specified in the instrument of such an appointment or impose a further such condition.	CEO
4. Site Contamination Assessment Orders	
<i>Deliberately left blank</i>	

**INSTRUMENT OF SUBDELEGATION UNDER THE ENVIRONMENT PROTECTION ACT 1993
AND THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES) POLICY 2010**

5. Site Remediation Orders	
<i>Deliberately left blank</i>	
6. Deliberately left blank	

<u>DELEGATIONS UNDER THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES) POLICY 2010</u>	
6A. Deliberately left blank	
7. The duty pursuant to Clause 17(2) of the Policy to ensure that the following provisions are complied with in relation to any medical waste received by the Eastern Health Authority:	CEO
(a) if any other waste is mixed with medical waste, the other waste is to be dealt with under this clause in the same way as is required in relation to medical waste;	CEO
(b) all medical waste must be stored in containers that are weatherproof, shatterproof, insect and vermin proof, and leak proof or, in the case of containers storing only medical sharps or any other sharp articles, leak resistant;	CEO
(c) all containers for medical waste that are kept for further use must be thoroughly cleaned and disinfected as soon as reasonably practicable after emptying;	CEO
(d) all containers used for the storage or transport of medical waste must be clearly labelled as containing medical waste;	CEO
(e) all containers of medical waste must be stored in a secure location;	CEO
(f) all necessary equipment required to clean and disinfect the area in case of accidental spillage of medical waste must be readily available and accessible;	CEO
(g) discarded medical sharps or any other sharp articles	CEO

**INSTRUMENT OF SUBDELEGATION UNDER THE ENVIRONMENT PROTECTION ACT 1993
AND THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES) POLICY 2010**

<p>must be contained for disposal in containers that comply with the requirements of the Standards, as amended from time to time, set out in Clause 17(2)(g)(i) of the Policy and the containers must not be subject to compaction by a compacting device nor placed for storage or transport in a portable or mobile compactor;</p>	
(h) medical waste must be disposed of as soon as reasonably practicable;	CEO
(i) all medical waste must be:	CEO
(i) disposed of by incineration; or	CEO
(ii) disposed of by such other method of treatment or disposal as is approved by the Authority and subject to such conditions as the Authority thinks fit;	CEO
(iii) collected for disposal by -	CEO
(A) a licensed waste transporter authorised to collect and transport medical waste; or	CEO
(B) a council;	CEO
(j) before the collection of medical waste for disposal, the transporter must be advised of the nature of the waste, hazards associated with the waste and any precautions that need to be taken during the collection, transport or disposal of the medical waste;	CEO
(k) the transporter must be given such assistance as is required to ensure that loading operations are carried out in such a way as to prevent spillage of any medical waste.	CEO

**INSTRUMENT OF SUBDELEGATION UNDER THE ENVIRONMENT PROTECTION ACT 1993
AND THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES) POLICY 2010**

SCHEDULE OF CONDITIONS

**CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
	NIL

APPENDIX 2

INSTRUMENT OF DELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996

INSTRUMENT OF SUBDELEGAION UNDER THE EXPIATION OF OFFENCES ACT 1996

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council and EHA Board resolution(s) to identify when these delegations were made, reviewed and or amended.
3. Legend for Delegations and Sub Delegations
CEO – Chief Executive Officer

POWERS AND FUNCTIONS DELEGATED AND SUBDELEGATED BY THE EASTERN HEALTH AUTHORITY IN THIS INSTRUMENT TO THE OFFICERS AND EMPLOYEES OF EASTERN HEALTH AUTHORITY

Power/Function	Office/position to which power/function delegated	Office/position to which power/function subdelegated
1. Certain Offences may be Expiated		
1.1. The power pursuant to Section 5(1) of the Expiation of Offences Act 1996 (“the Act”) to issue an expiation notice under the Act to a person alleged to have committed an offence under:		
1.1.1. Housing Improvement Act 1940;	CEO	CEO
1.1.2. South Australian Public Health Act 2011 along with the South Australian Public Health (General) Regulations 2013, South Australian	CEO	CEO

INSTRUMENT OF DELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996
INSTRUMENT OF SUBDELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996

Public Health (Legionella) Regulations 2013 and the South Australian Public Health (Wastewater) Regulations 2013;		
1.1.3. Supported Residential Facilities Act 1992,	CEO	CEO
1.1.4. Food Act 2001	CEO	
1.1.5. Safe Drinking Water Act 2011	CEO	
and the alleged offence may accordingly be expiated in accordance with the Act.		
2. Expiation Notices		
2.1 The power pursuant to Section 6(3)(b)(ii) of the Act to authorise a person in writing to give an expiation notice for an alleged offence under:		
2.1.1 Housing Improvement Act 1940;	CEO	CEO
2.1.2 South Australian Public Health Act 2011 along with the South Australian Public Health (General) Regulations 2013, South Australian Public Health (Legionella) Regulations 2013 and the South Australian Public Health (Wastewater) Regulations 2013;	CEO	CEO
2.1.3 Supported Residential Facilities Act 1992	CEO	CEO

INSTRUMENT OF DELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996
INSTRUMENT OF SUBDELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996

2.1.4	Food Act 2001	CEO	
2.1.5	Safe Drinking Water Act 2011	CEO	
3.	Review of Notices on Ground that Offence is Trifling		
3.1	The power pursuant to Section 8A(2) and (3) of the Act to require an alleged offender who is seeking a review of the notice on the ground that the offence is trifling:		
3.1.1	to provide further information; and	CEO	CEO
3.1.2	to provide a statutory declaration verifying the information contained in, or supporting, an application for review.	CEO	CEO
3.2	The duty pursuant to Section 8A(4) of the Act to determine an application for review before issuing a certificate for an enforcement determination in respect of the offence to which the application relates.	CEO	CEO
3.3	The duty pursuant and subject to Section 8A(5) and (6) of the Act upon being satisfied the offence is trifling to withdraw the expiation notice in respect of the offence by giving written notice to the alleged offender.	CEO	CEO
3A.	Arrangements as to Manner and Time of Payment		
3A.1	The power pursuant to Section 9(2) of the Act to agree with the Fines Enforcement and Recovery Officer the manner in which the Fines Enforcement Recovery	CEO	CEO

INSTRUMENT OF DELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996
INSTRUMENT OF SUBDELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996

Officer must give Eastern Health Authority (EHA) notice of any arrangement entered into under Section 9 of the Act.		
3A.2 The power pursuant to Section 9(12) of the Act, if an arrangement terminates under Section (9), (10) or (11) of the Act, to agree with the Fines Enforcement and Recovery Officer the manner in which the Fines Enforcement and Recovery Officer must give the EHA notice of the termination and the amount then outstanding (taking into account, where the arrangement required the performance of community service, the number of hours of community service so performed).	CEO	CEO
4. Expiation Reminder Notices		
4.1 The duty pursuant to Section 11 of the Act where an alleged offender has neither paid the expiation fee nor entered into an arrangement under Section 9 of the Act and the Council or EHA has not received a statutory declaration or other document sent to the Council or EHA by the alleged offender in accordance with a notice required by law to accompany the expiation notice, by the end of the expiation period, and before the Delegate takes any action under this Act to enforce the expiation notice, to send an expiation reminder notice in the prescribed form to the alleged offender before any action is taken under the Act to enforce the expiation notice.	CEO	CEO
5. Expiation Enforcement Warning		

INSTRUMENT OF DELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996
INSTRUMENT OF SUBDELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996

Notices		
5.1 The duty pursuant to Section 11A of the Act where the Council or EHA has received a statutory declaration or other document sent to the Council or EHA by the alleged offender in accordance with a notice required by law to accompany the expiation notice or expiation reminder notice, and before the Delegate takes action under this Act to enforce the expiation notice, to send an expiation enforcement warning notice, in the prescribed form, to the alleged offender by post.	CEO	CEO
6. Late Payment		
6.1 The power pursuant to Section 12 of the Act to accept late payment of the amount due under an expiation notice at any time before an enforcement determination is made under Section 13 of the Act.	CEO	CEO
7. Enforcement Determinations		
7.1 The power pursuant to Section 13(1) of the Act to enforce an expiation notice against an alleged offender by sending to the Fines Enforcement and Recovery Officer:		
7.1.1 a certificate that contains the particulars determined by the Fines Enforcement and Recovery Officer relating to:	CEO	CEO
7.1.1.1 the alleged offender; and	CEO	CEO
7.1.1.2 the offence or	CEO	CEO

INSTRUMENT OF DELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996
INSTRUMENT OF SUBDELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996

	offences that remain unexpiated; and		
7.1.1.3	the amount due under the notice; and	CEO	CEO
7.1.1.4	compliance by EHA as the authority with the requirements of the Act and any other Act;	CEO	CEO
7.1.2	the prescribed fee.	CEO	CEO
7.2	The power pursuant to Section 13(4) of the Act to apply to the Fines Enforcement and Recovery Officer under and in accordance with Section 13 of the Act within 30 days of notice of an enforcement determination being given, sent or published in accordance with Section 13 of the Act for the enforcement determination to be revoked.	CEO	CEO
8.	Withdrawal of Expiation Notices		
8.1	The power pursuant to Section 16(1) of the Act, to withdraw an expiation notice with respect to all or any of the alleged offences to which an expiation notice relates where:		
8.1.1	in the opinion of the Delegate the alleged offender did not commit the offence or offences, or that the notice should not have been given with respect to the offence or offences;	CEO	CEO

INSTRUMENT OF DELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996
INSTRUMENT OF SUBDELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996

8.1.2	the Council or EHA as issuing authority receives a statutory declaration or other document sent to the Council or EHA by the alleged offender in accordance with a notice required by law to accompany the expiation notice or expiation reminder notice; or	CEO	CEO
8.1.3	the notice is defective; or	CEO	CEO
8.1.4	the Delegate decides that the alleged offender should be prosecuted for the offence or offences.	CEO	CEO
8.2	The power pursuant to Section 16(5) of the Act, where an expiation notice is withdrawn under subsection (1), to commence prosecution for an offence to which the notice related.	CEO	CEO
8.3	The duty pursuant to Section 16(6) of the Act, subject to Section 16(7) of the Act, to withdraw an expiation notice if it becomes apparent that the alleged offender did not receive the notice until after the expiation period, or has never received it, as a result of error on the part of the Council or EHA as issuing authority or failure of the postal system.	CEO	CEO
8.4	The duty pursuant to Section 16(11) of the Act, where an expiation notice is withdrawn under Section 16 of the Act and the notice of withdrawal does not specify that the notice is withdrawn for the purposes of prosecuting the alleged offender,	CEO	CEO

INSTRUMENT OF DELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996
INSTRUMENT OF SUBDELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996

and if an enforcement determination has been made under Section 13 of the Act, to inform the Fines and Enforcement Recovery Officer of the withdrawal of the notice.		
9. Provision of Information		
9.1 The power pursuant to Section 18 of the Act to enter into an agreement with the Fines Enforcement and Recovery Officer in relation to:		
9.1.1 the manner in which the Fines Enforcement and Recovery Officer is to provide information to EHA in relation to action taken by the Fines Enforcement and Recovery Officer under the Act in respect of an expiation notice issued by EHA; and	CEO	CEO
9.1.2 the manner in which EHA is to provide information to the Fines Enforcement and Recovery Officer in relation to the issuing of an expiation notice by EHA or any other action taken by EHA in respect of an expiation notice so issued.	CEO	CEO

INSTRUMENT OF DELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996
INSTRUMENT OF SUBDELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996

SCHEDULE OF CONDITIONS

**CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
	NIL

APPENDIX 3

INSTRUMENT OF SUBDELEGATION UNDER THE HOUSING IMPROVEMENT ACT 1940

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council and EHA Board resolution(s) to identify when these delegations were made, reviewed and or amended.
3. Legend for Sub Delegations
CEO – Chief Executive Officer
SEHO – Senior Environmental Health Officer
EHO – Environmental Health Officer

POWERS AND FUNCTIONS SUBDELEGATED BY THE EASTERN HEALTH AUTHORITY IN THIS INSTRUMENT TO THE OFFICERS AND EMPLOYEES OF EASTERN HEALTH AUTHORITY

Power/Function	Office/position to which power/function subdelegated
1. Power to Declare Houses Unfit for Habitation	
1.1 The power pursuant to Section 23(1) of the Housing Improvement Act 1940 ("the Act"):	
1.1.1 to make due inquiries and obtain such reports as the Delegate deems necessary to be satisfied that any house is undesirable for human habitation or is unfit for human habitation;	CEO SEHO EHO
1.1.2 to declare that the house -	
1.1.2.1 is undesirable for human habitation; or	CEO SEHO EHO
1.1.2.2 is unfit for human habitation.	CEO

INSTRUMENT OF SUBDELEGATION UNDER THE HOUSING IMPROVEMENT ACT 1940

	SEHO EHO
1.2 The duty pursuant to Section 23(2) of the Act where any house has been declared undesirable or unfit for human habitation -	
1.2.1 to serve on the owner of the house a declaration together with a written statement setting out particulars of the deficiencies and directing the owner, within a specified time (being not less than one month after the service of the declaration) -	CEO SEHO EHO
1.2.1.1 to carry out such work in respect of the house (including, if so directed, partial demolition) as is directed in the notice; or	CEO SEHO EHO
1.2.1.2 if the Delegate is of the opinion that it is impracticable to make the house desirable or fit for human habitation, to demolish the house; and	CEO SEHO EHO
1.2.2 to serve a copy of the declaration, statement and direction on any occupier of the house and on every registered mortgagee of the land on which the house is situated; and	CEO SEHO EHO
1.3 The power pursuant to Section 23(2) of the Act where any house has been declared undesirable or unfit for human habitation -	
1.3.1 if the direction is to demolish, to serve on the occupier (if any) a written notice requiring the occupier to vacate the house within a specified period being not less than one month after service; and	CEO SEHO EHO
1.3.2 where the direction requires any work to be carried out in respect of the house, to serve on any occupier (if any) a written notice to vacate the house within a specified period being not less than one month after service, unless the house is, to the satisfaction of the Delegate, made to comply with the directions given by the Delegate before the expiration of the specified period.	CEO SEHO EHO

INSTRUMENT OF SUBDELEGATION UNDER THE HOUSING IMPROVEMENT ACT 1940

1.4	The power pursuant to Section 23(3) of the Act to certify in writing that the house that has been declared undesirable for human habitation or unfit for human habitation complies with the direction given by the Delegate and in the time specified in the direction under Section 23(2)(c) or (d).	CEO SEHO EHO
1.5	The power pursuant to Section 23(5) of the Act where an owner fails to comply with any direction under Section 23 within the time specified in the direction –	
1.5.1	to do anything that is necessary to make the house comply with the direction or demolish the house;	CEO
1.5.2	to recover any expenses incurred from the owner of the house;	CEO
1.5.3	to sell or dispose of any material taken from the house;	CEO
1.6	The duty pursuant to Section 23(5)(d) of the Act to apply the proceeds of any sale for or towards the expenses incurred by the Council and pay any surplus (if any) in discharge of the mortgage or encumbrance of any registered mortgagee of the land in accordance with their respective priorities and to pay any remaining balance to the owner.	CEO
2.	Power of Housing Authority	
2.1	The power pursuant to Section 25(1) of the Act to consult with the Housing Authority and the duty pursuant to Section 25(1) of the Act, if required by the Housing Authority by notice in writing, within the time specified in the notice, to make a declaration pursuant to Section 23 of the Act with respect to the house in the form required by the Housing Authority and to give any direction or notice or otherwise exercise any power under Section 23 in the manner required by the Housing Authority.	CEO

INSTRUMENT OF SUBDELEGATION UNDER THE HOUSING IMPROVEMENT ACT 1940

3. Power to Declare Clearance Area	
3.1 The power pursuant to Section 33(3)(a)(i) of the Act to consult with the Housing Authority where the Housing Authority is intending to submit a recommendation to the Governor under Section 33 of the Act; and	CEO
3.2 The power pursuant to Section 33(b) to make any objections to the Housing Authority, in relation to such recommendation.	CEO
4. Powers of Entry and Inspection	
4.1 The power pursuant to Section 67 of the Act to authorise persons to enter into and upon any premises at any reasonable hour for the purposes of -	
4.1.1 examining the condition, standard of sanitation and hygiene, and state of repair of the premises;	CEO
4.1.2 ascertaining whether any of the provisions of the Act are being or have been contravened;	CEO
4.1.3 executing any work authorised to be executed or made by or under the Act;	CEO
4.1.4 generally, enforcing the provisions of the Act.	CEO
5. Dispossession of occupiers failing to vacate premises when required to do so	
5.1 The power pursuant to Section 71 of the Act, where any person, after he has been required under the Act by the Council to vacate a house or building, and the person refuses or neglects to vacate the same, to apply and to authorise a person to apply upon a complaint to be laid by him, in the form set out in Schedule 1 to the Act or to the like effect, to any justice, for the justice to issue a summons in the form set out in Schedule 2 to the Act or to the like effect calling upon the occupier of such house or building to appear at a time and place to be therein specified before a court of Summary Jurisdiction consisting of a special magistrate, sitting without any other justice or justices, which court may hear and determine the matter of the complaint in a summary way in the absence of the occupier or otherwise.	CEO

INSTRUMENT OF SUBDELEGATION UNDER THE HOUSING IMPROVEMENT ACT 1940**SCHEDULE OF CONDITIONS****CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
	NIL

APPENDIX 4

INSTRUMENT OF DELEGATION UNDER THE SAFE DRINKING WATER ACT 2011

INSTRUMENT OF SUBDELEGATION UNDER THE SAFE DRINKING WATER ACT 2011

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council and EHA Board resolution(s) to identify when these delegations were made, reviewed and or amended.
3. Legend for Sub Delegations
CEO – Chief Executive Officer

POWERS AND FUNCTIONS DELEGATED AND SUBDELEGATED BY THE EASTERN HEALTH AUTHORITY IN THIS INSTRUMENT TO THE OFFICERS AND EMPLOYEES OF EASTERN HEALTH AUTHORITY

Power/Function	Office/position to which power/function delegated	Office/position to which power/function subdelegated
5. Drinking water providers to be registered		
(2) The power pursuant to Section 5(2)(a) and (b) of the Safe Drinking Water Act 2011 (the Act) and in accordance with Section 5(3) of the Act to make an application for registration of the Council or Eastern Health Authority (EHA) under the Act to the Minister and in a manner and form determined by the Minister.	CEO	CEO
8. Conditions of registration		

**INSTRUMENT OF DELEGATION UNDER THE
SAFE DRINKING WATER ACT 2011**
**INSTRUMENT OF SUBDELEGATION UNDER THE
SAFE DRINKING WATER ACT 2011**

(3) The power pursuant to Section 8(3) of the Act where the Council or EHA holds a registration, to make application to the Minister in a manner and form determined by the Minister, requesting the variation of a condition to which the registration is subject.	CEO	CEO
9. Suspension of registration		
(5) The power pursuant to Section 9(5) of the Act after the Council or the EHA has received notice from the Minister, lodge with the Minister a written objection (setting out the grounds of objection).	CEO	CEO
(6) The power pursuant to Section 9(5) of the Act to make submissions to the Minister in relation to the matter.	CEO	CEO
(10) The power pursuant to Section 9(10) of the Act where the Council or EHA's registration has been suspended to make application to the Minister for the cancellation of the suspension.	CEO	CEO
10. Appeals		
(1) The power pursuant to Section 10(1) of the Act and in accordance with Section 10(2) of the Act, to appeal to the District Court against:		
(a) a condition imposed by the Minister in relation to a registration under Part 2 of the Act;	CEO	CEO
(b) a variation of a condition of registration made by the Minister on the Minister's own initiative; or	CEO	CEO

**INSTRUMENT OF DELEGATION UNDER THE
SAFE DRINKING WATER ACT 2011**
**INSTRUMENT OF SUBDELEGATION UNDER THE
SAFE DRINKING WATER ACT 2011**

(c) a decision of the Minister to refuse to grant an application to vary a condition of registration; or	CEO	CEO
(d) a decision of the Minister to suspend a registration under Part 2 of the Act.	CEO	CEO
12. Drinking water providers to prepare, implement and review risk management plans		
(1) The power pursuant to Section 12(1) of the Act and in accordance with Section 13 of the Act, to:		
(a) prepare a risk management plan in relation to the supply of drinking water to the public; and	CEO	CEO
(b) keep the plan under continuous review with a view to updating and improving it; and	CEO	CEO
(c) revise any aspect of the plan that is found, on review, to need revision.	CEO	CEO
(3) The power pursuant to Section 12(3) of the Act, if a standard risk management plan is in place under Section 12(2) of the Act and the Council or EHA falls within the specified class to which the standard risk management plan applies, to, subject to any requirement published by the Chief Executive in connection with the risk management plan and in a manner and form determined by the Chief Executive, adopt the standard risk management plan rather than preparing a separate plan under Section 12(1)(a) of the Act.	CEO	CEO

**INSTRUMENT OF DELEGATION UNDER THE
SAFE DRINKING WATER ACT 2011**
**INSTRUMENT OF SUBDELEGATION UNDER THE
SAFE DRINKING WATER ACT 2011**

14. Related matters		
(2) The power pursuant to Section 14(2) of the Act, to furnish to the Minister in a manner and form determined by the Minister a copy of the Council or EHA's monitoring program and incident identification and notification protocol.	CEO	CEO
(3) (b) The power pursuant to Section 14(3)(b) of the Act to consult with the Minister in relation to alterations to the program or protocol (or both) submitted for the purposes of Section 14 of the Act.	CEO	CEO
(4) The power pursuant to Section 14(4) of the Act and in accordance with Section 14(5) of the Act, where the Council or EHA is required to make an alteration under Section 14(3), to appeal to the District Court against the requirement.	CEO	CEO
34. Appointment of authorised officers		
(1) The power pursuant to Section 34(1) of the Act, to appoint a person to be an authorised officer for the purposes of the Act, but only if the Delegate considers the person has appropriate qualifications or experience to exercise the functions of an authorised officer.	CEO	
(2) The power pursuant to Section 34(2) of the Act to prepare and maintain a list of authorised officers appointed by EHA.	CEO	
35. Certificates of authority		
(1) The power pursuant to Section 35(1) of the Act to provide each authorised officer appointed by EHA	CEO	

**INSTRUMENT OF DELEGATION UNDER THE
SAFE DRINKING WATER ACT 2011**
**INSTRUMENT OF SUBDELEGATION UNDER THE
SAFE DRINKING WATER ACT 2011**

with a certificate of authority as an authorised officer.		
(2) The power pursuant to Section 35(2) of the Act to limit the powers of an authorised officer by the authorised officer's certificate of authority.	CEO	
37. Seizure orders		
(3) (a) The power pursuant to Section 37(3)(a)(i) and (ii) of the Act to:		
(i) authorise the release of a thing seized to the person from whom it was seized or any person who had a right to possession of it at the time of its seizure subject to such conditions as the Delegate thinks fit, including conditions as to the giving of security for satisfaction of an order under Section 37(3)(b)(i)(B) of the Act; or	CEO	
(i) order that the thing seized be forfeited to EHA;	CEO	
(d) The power pursuant to Section 37(3)(d) of the Act if a thing seized is forfeited under Section 37 of the Act to dispose of it by sale, destruction or otherwise as the Delegate directs.	CEO	

**INSTRUMENT OF DELEGATION UNDER THE
SAFE DRINKING WATER ACT 2011**
**INSTRUMENT OF SUBDELEGATION UNDER THE
SAFE DRINKING WATER ACT 2011**

38. Notices		
(1) The power pursuant to Section 38(1) of the Act and in accordance with Section 38(2) of the Act to issue a notice under Section 38 for the purpose of:		
(a) securing compliance with a requirement imposed by or under the Act; or	CEO	
(b) averting, eliminating or minimising a risk, or a perceived risk, to the public in relation to drinking water.	CEO	
(6) The power pursuant to Section 38(6) of the Act to, by written notice served on a person to whom a notice under Section 38 has been issued by the Council or EHA, vary or revoke the notice.	CEO	CEO
39. Action or non-compliance with a notice		
(1) The power pursuant to Section 39(1) of the Act, if the requirements of a notice under Division 3 of the Act by the Council or EHA are not complied with, to take any action required by the notice.	CEO	CEO
(2) The power pursuant to Section 39(2) of the Act to authorise another person to take action under Section 39(1) of the Act on the Council or EHA's behalf.	CEO	CEO
(4) The power pursuant to Section 39(4) of the Act to recover the reasonable costs and expenses incurred by the Council or EHA in taking action under Section 39 of the Act from the person who failed to comply with the requirements of	CEO	CEO

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the notice as a debt in a court of competent jurisdiction.		
(5) The power pursuant to Section 39(5) of the Act, if an amount is recoverable from a person by the Council or EHA under Section 39 of the Act, 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	CEO
40. Action in emergency situations	CEO	CEO
(5) The power pursuant to Section 40(5) of the Act to recover the reasonable costs and expenses incurred by an authorised officer of the Council or EHA in taking action under Section 40 of the Act as a debt in a court of competent jurisdiction.	CEO	CEO
41. Specific power to require information		
(1) The power pursuant to Section 41(1) of the Act, to by notice in writing under Section 41 of the Act require a person to furnish such information relating to the quality or supply of drinking water, or any other matter associated with the administration or operation of the Act, as the Delegate thinks fit.		CEO
42. Appeals		
(3) The power pursuant to Section 42(3) of the Act to apply for the Council or EHA to be a party to proceedings under Section 42 of the Act.	CEO	CEO
52. Annual reports by enforcement agencies		

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(1) The power pursuant to Section 52(1) of the Act to on or before 30 September in each year, furnish to the Minister a report on the activities of the Council or EHA under the Act during the financial year ending on the preceding 30 June.	CEO	CEO
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SCHEDULE OF CONDITIONS

**CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Section(s) in Act to which conditions/ limitations apply	Conditions / Limitations

APPENDIX 5

**INSTRUMENT OF SUBDELEGATION UNDER THE SOUTH AUSTRALIAN PUBLIC
HEALTH ACT 2011 AND SOUTH AUSTRALIAN PUBLIC HEALTH (GENERAL)
REGULATIONS 2013 AND SOUTH AUSTRALIAN PUBLIC HEALTH (LEGIONELLA)
REGULATIONS 2013 AND SOUTH AUSTRALIAN PUBLIC HEALTH
(WASTEWATER) REGULATIONS 2013**

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council and EHA Board resolution(s) to identify when these delegations were made, reviewed and or amended.
3. Legend for Sub Delegations
CEO – Chief Executive Officer
SEHO – Senior Environmental Health Officer
EHO – Environmental Health Officer

**POWERS AND FUNCTIONS SUBDELEGATED BY THE EASTERN HEALTH
AUTHORITY IN THIS INSTRUMENT TO THE OFFICERS AND EMPLOYEES
OF EASTERN HEALTH AUTHORITY**

Power/Function	Office/position to which power/function subdelegated
1. Power to Require Reports	
1.1 The power pursuant to Section 18(2) of the South Australian Public Health Act 2011 (the Act) to, if required by the Minister, provide a report on any matter relevant to the administration or operation of the Act.	CEO
1.2 The power pursuant to Section 18(3) of the Act to, if required by the Minister, in a case involving the Council provide a combined report with 1 or more other councils.	CEO
1.3 The power pursuant to Section 18(5) of the Act to provide the report in accordance with the requirements of the Minister.	CEO

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2. Risk of Avoidable Mortality or Morbidity		
2.1	The power pursuant to Section 22(2) of the Act, if the Eastern Health Authority (EHA) and/or the Council receives a request under Section 22(1) of the Act, to consider the request and then respond in accordance with Section 22(3) of the Act to the Chief Public Health Officer within a reasonable time.	CEO
2.2	The power pursuant to Section 22(3) of the Act to include in a response under Section 22(2) of the Act details about:	CEO
2.2.1	any steps already being taken by EHA and/or the Council that may be relevant in the circumstances; and	CEO
2.2.2	any plans that EHA and/or the Council may have that may be relevant in the circumstances; and	CEO
2.3	any steps that EHA and/or the Council is willing to take in the circumstances; and	CEO
2.4	any other matter relating to EHA and/or the Council that appears to be relevant.	CEO
3. Cooperation Between Councils		
3.1	The power pursuant to Section 39(1) of the Act to, in performing the Council's functions or exercising the Council's powers under the Act, act in conjunction or partnership with, or cooperate or coordinate the Council's activities with, 1 or more other councils	CEO
3.2	The power pursuant to Section 39(2) of the Act to, if requested by the Chief Public Health Officer, cooperate with 1 or more other councils.	CEO
3.3	The power pursuant to Section 39(3) of the Act to, if the Council receives a request under Section 39(2) of the Act, within 28 days after receiving the request or such longer period as the Chief Public Health Officer may specify, furnish the Chief Public Health Officer with a written report on the action that the Council intends to take in response to the request.	CEO

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4. Power of Chief Public Health Officer to Act	
4.1 The power pursuant to Section 40(2) of the Act to consult with the Chief Public Health Officer.	CEO
5. Council Failing to Perform a Function Under Act	
5.1 The power pursuant to Section 41(1) of the Act to consult with the Minister in relation to the Minister's opinion that the Council has failed, in whole or in part, to perform a function conferred on the Council under the Act.	CEO
5.2 The power pursuant to Section 41(6) of the Act to:	
5.2.1 make written submissions to the Minister in relation to the matter within a period specified by the Minister; and	CEO
5.2.2 request in the written submissions to the Minister that the Minister discuss the matter with a delegation representing the Council; and	CEO
5.2.3 appoint a delegation representing the Council to discuss the matter with the Minister.	CEO
6. Transfer of Function of Council at Request of Council	
6.1 The power pursuant to Section 42(1) of the Act to request, in accordance with Section 42(2), of the Act that a function of the Council under the Act be performed by the Chief Public Health Officer.	CEO
6.2 The power pursuant to Section 42(10) of the Act to enter into an agreement with the Minister for the Minister to recover costs and expenses associated with the Chief Public Health Officer acting under Section 42 of the Act.	CEO
6.3 The power pursuant to Section 42(11) of the Act to request that the Minister vary or revoke a notice under Section 42 of the Act.	CEO
6.4 The power pursuant to Section 42(11) of the Act to consult with the Minister in relation to the Minister varying or revoking a notice under Section 42 of the Act.	CEO

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7. Local Authorised Officers	
7.1 The power pursuant to Section 44(1) of 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
7.2 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
7.3 The power pursuant to Section 44(4) of the Act to direct a local authorised officer.	CEO
7.4 The power pursuant to Section 44(6) of the Act to vary or revoke an appointment at any time.	CEO
7.5 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:	
7.5.1 makes an appointment under Section 44 of the Act; or	CEO
7.5.2 revokes an appointment under Section 44 of the Act.	CEO
7.6 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
8. Identity Cards	
8.1 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:	
8.1.1 containing the person's name and a photograph of the person; and	CEO
8.1.2 stating that the person is an authorised officer for	CEO

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the purposes of the Act; and		
8.1.3	setting out the name or office of the issuing authority.	CEO
9. Specific Power to Require Information		
9.1	The power pursuant to Section 49(1) of the Act to require a person to furnish such information relating to public health as may be reasonably required for the purposes of the Act.	CEO SEHO EHO
10. Regional Public Health Plans		
10.1	The power pursuant to Section 51(1) of the Act to in accordance with Sections 51(2), (5), (6), (8), (9), (11), (12), (13) and (15) of the Act prepare and maintain a plan or, if the Minister so determines or approves, with a group of councils, prepare and maintain a plan, for the purposes of the operations of the Council or Councils under the Act (a regional public health plan).	CEO
10.2	The power pursuant to Section 51(10) of the Act, to, subject to Section 51(11), amend a regional public health plan at any time.	CEO
10.3	The power pursuant to Section 51(11) of the Act to, in relation to any proposal to create or amend a regional public health plan:	
10.3.1	prepare a draft of the proposal; and	CEO
10.3.2	when the draft plan is completed, subject to Section 51(12) of the Act:	
10.3.2.1	give a copy of it to:	CEO
(a)	the Minister; and	CEO
(b)	any incorporated hospital established under the <i>Health Care Act 2008</i> that operates a facility within the region; and	CEO
(c)	any relevant public health partner authority under Section 51(23);	CEO

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and		
	(d) any other body or group prescribed by the regulations; and	CEO
	10.3.2.2 take steps to consult with the public.	CEO
10.4	The power pursuant to Section 51(12) of the Act to, if required by the Minister, consult with the Minister, or any other person or body specified by the Minister, before the Council or EHA releases a draft plan under Section 51(11).	CEO
10.5	The power pursuant to Section 51(13) of the Act to, before bringing a regional public health plan into operation, submit the plan to the Chief Public Health Officer for consultation.	CEO
10.6	The power pursuant to Section 51(15) of the Act to take into account any comments made by the Chief Public Health Officer, SAPHC, and any other body within the ambit of a determination under Section 51(14) of the Act, at the conclusion of the consultation processes envisaged by Sections 51(13) and (14).	CEO
10.7	The power pursuant to Section 51(16) of the Act to then adopt a plan or amend a plan with or without alteration.	CEO
10.8	<i>Deliberately left blank.</i>	
10.9	The power pursuant to Section 51(18) of the Act to provide in a regional public health plan, by agreement with the public health partner authority, for a public health partner authority to take responsibility for undertaking any strategy, or for attaining any priority or goal, under the plan.	CEO
10.10	The power pursuant to Section 51(19) of the Act to review a regional public health plan at least once in every 5 years.	CEO
10.11	The power pursuant to Section 51(20) of the Act to, in preparing and reviewing the Council's regional public health plan insofar as is reasonably practicable, give due consideration to the plans of other councils insofar as this	CEO

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	may be relevant to issues or activities under the Council's plan.	
10.12	The power pursuant to Section 51(21) of the Act to, when performing functions or exercising powers under the Act or any other Action on behalf of the Council, insofar as may be relevant and reasonable, have regard to the State Public Health Plan, any regional public health plan that applies within the relevant area and any other requirement of the Minister, and in particular to give consideration to the question whether the Council or EHA should implement changes to the manner in which, or the means by which, the Council or EHA performs a function or exercises a power or undertakes any other activity that has been identified in the State Public Health Plan as requiring change.	CEO
11.	Reporting on Regional Public Health Plans	
11.1	The power pursuant to Section 52(1) of the Act to, in relation to a regional health plan for which the Council is responsible, on a 2 yearly basis, prepare a report that contains a comprehensive assessment of the extent to which, during the reporting period, the Council has succeeded in implementing its regional public health plan to the Chief Public Health Officer in accordance with Sections 52(2), (3) and (4) of the Act.	CEO
12.	Action to Prevent Spread of Infection	
12.1	The power pursuant to Section 66(6) of the Act to recover as a debt costs and expenses reasonably incurred in exercising powers under Section 66(5) of the Act from the person who failed to take the required action.	CEO
12.2	The power pursuant to Section 66(9) of the Act to, if the Chief Public Health Officer informs the Council of the occurrence of a disease constituting a notifiable condition, take such action as is reasonably open to EHA to assist in preventing the spread of the disease.	CEO
13.	Notices	
13.1	The power pursuant to Section 92(1) of the Act and subject to Sections 92(2), (3), (4), (5) and (12) of the Act	

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to issue a notice for the purpose of:		
13.1.1	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 SEHO EHO
13.1.2	averting, eliminating or minimising a risk, or a perceived risk, to public health.	CEO SEHO EHO
13.2	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:	
13.2.1 have regard to:		
13.2.1.1	the number of people affected, or potentially affected, by the breach of the duty;	CEO SEHO EHO
13.2.1.2	the degree of harm, or potential degree of harm, to public health on account of the breach of the duty;	CEO SEHO EHO
13.2.1.3	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,	CEO SEHO EHO
and such other matters as EHA thinks fit; and		CEO SEHO EHO
13.2.2	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:	
13.2.2.1	stating the proposed action, including the terms of the proposed notice and the period within which compliance with the notice will be required; and	CEO SEHO EHO
13.2.2.2	stating the reasons for the proposed	CEO SEHO

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action; and	EHO
13.2.2.3 inviting the person show, within a specified time (of a reasonable period), why the proposed action should not be taken (by making representations to EHA or a person nominated to act on behalf of the Council).	CEO SEHO EHO
13.3 The power pursuant to Section 92(2)(b)(iii) of the Act to nominate a person to act on behalf of the Council.	CEO SEHO EHO
13.4 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:	
13.4.1 issue a notice in accordance with the terms of the original proposal; or	CEO SEHO EHO
13.4.2 issue a notice with modifications from the terms of the original proposal; or	CEO SEHO EHO
13.4.3 determine not to proceed further under Section 92.	CEO SEHO EHO
13.5 The power pursuant to Section 92(4) of the Act to:	
13.5.1 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	CEO SEHO EHO
13.5.2 not give further notice before issuing a notice with modifications under Section 92(3)(b) of the Act.	CEO SEHO EHO
13.6 The power pursuant to Section 92(5) of the Act issue a notice under Section 92 of the Act:	
13.6.1 in the form of a written notice served on the	CEO SEHO

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	person to whom it is issued; and	EHO
13.6.2	specifying the person to whom it is issued (whether by name or by a description sufficient to identify the person); and	CEO SEHO EHO
13.6.3	directing 2 or more persons to do something specified in the notice jointly; and	CEO SEHO EHO
13.6.4	without limiting any other provision, in the case of a notice that relates to the condition of any premises, to any person who:	
13.6.4.1	is the owner or occupier of the premises; or	CEO SEHO EHO
13.6.4.2	has the management or control of the premises; or	CEO SEHO EHO
13.6.4.3	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	CEO SEHO EHO
13.6.5	stating the purpose for which the notice is issued and giving notice of the requirement or the risk to which it relates; and	CEO SEHO EHO
13.6.6	imposing any requirement reasonably required for the purpose for which the notice is issued including 1 or more of the following:	
13.6.6.1	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;	CEO SEHO EHO
13.6.6.2	a requirement that the person not carry on a specified activity except at specified times or subject to specified conditions;	CEO SEHO EHO

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13.6.6.3	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;	CEO SEHO EHO
13.6.6.4	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;	CEO SEHO EHO
13.6.6.5	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;	CEO SEHO EHO
13.6.6.6	a requirement that the person undertake specified tests or monitoring;	CEO SEHO EHO
13.6.6.7	a requirement that the person furnish to a relevant authority specified results or reports;	CEO SEHO EHO
13.6.6.8	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;	CEO SEHO EHO
13.6.6.9	a requirement prescribed under or for the purposes of the regulations; and	CEO SEHO EHO
13.6.7	stating that the person may, within 14 days, apply for a review of the notice or institute an appeal against the notice under the provisions of the Act.	CEO SEHO EHO
13.7	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 EHA or the Council, vary or revoke the notice.	CEO SEHO EHO

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13.8	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 EHA issues a notice under Section 92 of the Act.	CEO SEHO EHO
14. Action on Non-compliance with Notice		
14.1	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
14.2	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
14.3	The power pursuant to Section 93(4) of the Act to recover the reasonable costs and expenses incurred by EHA or 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
14.4	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
15. Action in Emergency Situations		
15.1	The power pursuant to Section 94(5) of the Act to recover the reasonable costs and expenses incurred by a local authorised officer in taking action under Section 94 from any person who caused the risk to which the action relates, as a debt.	CEO
16. Reviews – Notices Relating to General Duty		
16.1	The power pursuant to Section 95(13) of the Act to appear in proceedings before the Review Panel as a representative of the Council.	CEO SEHO
16.2	The power pursuant to Section 95(15) of the Act to make an application to the Review Panel to:	
16.2.1	dismiss or determine any proceedings that	CEO

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appear:	SEHO
16.2.1.1 to be frivolous or vexatious; or	CEO SEHO
16.2.1.2 to have been instituted for the purpose of delay or obstruction, or for some other improper purpose;	CEO SEHO
16.2.2 bring any proceedings to an end that appear:	CEO SEHO
16.2.2.1 to be more appropriate suited to proceedings before the District Court rather than the Review Panel; or	CEO SEHO
16.2.2.2 to be unable to be satisfactorily resolved (or resolved within a reasonable period) by proceedings before the Review Panel; or	CEO SEHO
16.2.3 bring any proceedings to an end for any other reasonable cause.	CEO SEHO
17. Appeals	
17.1 The power pursuant to Section 96(3) of the Act and subject to Section 96(4) of the Act, appeal to the District Court against the outcome of review proceedings under Division 3, Part 12 of the Act.	CEO

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Power/Function	Office/position to which power/function subdelegated

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18. Duty to Register High Risk Manufactured Water System		
18.1	The power pursuant to Regulation 5(3) of the South Australian Public Health (Legionella) Regulations 2013 (the Legionella Regulations) to, on application made in a manner and form approved by the Council or EHA and payment of the registration fee specified in Schedule 1 to the Council or EHA, register the high risk manufactured water system to which the application relates.	CEO SEHO EHO
18.2	The power pursuant to Regulation 5(6) of the Legionella Regulations, to, on application made in a manner and form approved by the Council or EHA and payment of the renewal fee specified in Schedule 1 to the Council or EHA, renew the registration of the high risk manufactured water system to which the application relates.	CEO SEHO EHO
19. Register of High Risk Manufactured Water Systems		
19.1	The power pursuant to Regulation 6(2) of the Legionella Regulations and subject to Regulation 6(3) of the Legionella Regulations to determine the manner and form of a register of high risk manufactured water systems registered by EHA and/or the Council.	CEO SEHO EHO
19.2	The power pursuant to Regulation 6(3) of the Legionella Regulations to include in relation to each high risk manufactured water system on the register:	
19.2.1	the type of water system; and	CEO SEHO EHO
19.2.2	the address of the premises on which the water system is installed; and	CEO SEHO EHO
19.2.3	the location of the water system on the premises; and	CEO SEHO EHO
19.2.4	the full name and residential and business addresses of the owner of the premises; and	CEO SEHO EHO
19.2.5	the full name, residential and business	CEO

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	addresses, and residential and business telephone numbers, of the person nominated by the owner of the premises as being responsible for the operation and maintenance of the water system,	SEHO EHO
	and such other information as EHA thinks fit.	CEO SEHO EHO
19.3	The power pursuant to Regulation 15(2) of the Legionella Regulations to, at least once in every 12 months, give the owner of each of the premises on which a high risk manufactured water system registered with EHA and/or the Council is installed, written notice:	CEO SEHO EHO
19.3.1	requiring the owner, within the period specified in the notice:	
19.3.1.1	to cause an inspection of the water system to be carried out by a competent person (not being the owner or person responsible for the operation and maintenance of the system); and	CEO SEHO EHO
19.3.1.2	to arrange for a NATA accredited laboratory to conduct microbiological testing, in accordance with AS/NZS 3896:	
(a)	of at least 1 sample of water taken from a cooling water system; and	CEO SEHO EHO
(b)	of at least 2 samples of water taken from a warm water system,	CEO SEHO EHO
	to determine the presence and number of colony forming units of Legionella in the water; and	
19.4	requiring the owner to submit to the Council or EHA written reports setting out the findings of the inspection and the results of the microbiological testing within 1	CEO SEHO EHO

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month of receiving the reports.		
20. Power of Council to Require Microbiological Testing in Other Circumstances		
20.1 The power pursuant to Regulation 16(1) of the Legionella Regulations, if:		
20.1.1	the Council or EHA is investigating the occurrence of Legionellosis in the near vicinity of premises on which a high risk manufactured water system is installed; or	CEO SEHO EHO
20.1.2	the Council or EHA has reason to believe that a high risk manufactured water system installed on premises situated in its area is not being maintained as required by these regulations,	CEO SEHO EHO
to give the owner of the premises written notice:		
20.1.3	requiring the owner (either immediately or within a period specified in the notice) to arrange for a NATA accredited laboratory to conduct microbiological testing, in accordance with AS/NZS 3896, of water taken from the system, to determine the presence and number of colony forming units of Legionella in the water; and	CEO SEHO EHO
20.1.4	requiring the owner to submit to EHA or the Council a written report setting out the results of the microbiological testing within 24 hours of receiving the report.	CEO SEHO EHO
21. Fees		
21.1	The power pursuant to Regulation 21(3) of the Legionella Regulations, if a person is liable to pay a fee to EHA or the Council, to give the person written notice requiring the person to pay the fee within the period specified in the notice.	CEO SEHO
21.2	The power pursuant to Regulation 21(4) of the Legionella Regulations, to reduce or remit a fee payable to EHA or the Council under the Legionella Regulations if satisfied that it is appropriate to do so in a particular case.	CEO SEHO

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21.3 The power pursuant to Regulation 21(5) of the Legionella Regulations, to recover a fee payable to EHA or the Council under the Legionella Regulations by action in a court of competent jurisdiction as a debt due to the Council.	CEO
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**SOUTH AUSTRALIAN PUBLIC HEALTH
(WASTEWATER) REGULATIONS 2013**

Power/Function	Office/position to which power/function subdelegated
22. Relevant Authority	
22.1 The power pursuant to Regulation 6(1)(b) of the South Australian Public Health (Wastewater) Regulations 2013 (the Wastewater Regulations) to, agree to act as the relevant authority for a matter relating to an on-site wastewater system with a capacity that does not, or will not, on completion of wastewater works, exceed 40 EP and that is located or to be located in another council area if the system is to be operated by another council or wastewater works related to the system are to be undertaken by another council, or by a person acting in partnership, or in conjunction with that other council.	CEO
23. Public Notification of Proposed Community Wastewater Management System	
23.1 <i>Deliberately left blank.</i>	
24. Connection to Community Wastewater Management System	
24.1 <i>Deliberately left blank.</i>	
24.1.1 <i>Deliberately left blank.</i>	
24.1.2 <i>Deliberately left blank.</i>	
24.1.2.1 <i>Deliberately left blank.</i>	
24.1.2.2 <i>Deliberately left blank.</i>	
24.2 <i>Deliberately left blank.</i>	
24.3 <i>Deliberately left blank.</i>	
24.4 <i>Deliberately left blank.</i>	

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24.5 <i>Deliberately left blank.</i>	
25. Exemptions	
25.1 The power pursuant to Regulation 10(3) of the Wastewater Regulations to give an exemption by written notice and subject to conditions determined by EHA and stated in the notice.	CEO SEHO
25.2 The power pursuant to Regulation 10(4) of the Wastewater Regulations to vary or revoke an exemption by further written notice to the holder of the exemption.	CEO SEHO
26. Exemptions From Prescribed Codes	
26.1 The power pursuant to Regulation 15(3) of the Wastewater Regulations to give an exemption by written notice and is subject to conditions determined by EHA and stated in the notice.	CEO SEHO
26.2 The power pursuant to Regulation 15(5) of the Wastewater Regulations to vary or revoke an exemption by further written notice to the holder of the exemption.	CEO SEHO
27. Application	
27.1 The power pursuant to Regulation 23(2) of the Wastewater Regulations to, by written notice, ask the applicant to provide EHA or the Council with further technical specifications, information or documents relevant to the application or to modify the technical specifications submitted for approval.	CEO SEHO EHO
28. Determination of Application	
28.1 The power pursuant to Regulation 24(1) of the Wastewater Regulations to refuse to grant a wastewater works approval:	
28.1.1 if the applicant fails to satisfy EHA of either or both of the following:	
28.1.1.1 that the technical specifications for the wastewater works comply with the prescribed codes;	CEO SEHO

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28.1.1.2 that the wastewater works will not, if undertaken in accordance with the conditions of approval, adversely affect or threaten public or environmental health; or	CEO SEHO
28.1.2 for any other sufficient reason.	CEO SEHO
28.2 The power pursuant to Regulation 24(2) of the Wastewater Regulations, if an application for a wastewater works approval relates to the connection of a community wastewater management system to SA Water sewerage infrastructure or a significant increase in the amount of wastewater to be discharged from a community wastewater management system to SA Water sewerage infrastructure, to give SA Water a reasonable opportunity to comment on the application and take into account any comments so made.	CEO
29. Conditions of Approval	
29.1 The power pursuant to Regulation 25(2) of the Wastewater Regulations to impose:	
29.1.1 any 1 or more of the following prescribed expiable conditions:	
29.1.1.1 a condition that sets out mandatory notification stages during the progress of wastewater works when a person is required to notify EHA and/or the Council in a specified manner and stop the work pending an inspection carried out at the person's expense;	CEO SEHO EHO
29.1.1.2 a condition that requires the display of specified notices on the premises on which the wastewater system is located;	CEO SEHO EHO
29.1.1.3 a condition that requires a person to monitor the performance of the wastewater system in a specified manner (including by inspections	CEO SEHO EHO

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	carried out at specified times at the person's expense) and to provide EHA and/or the Council with specified information in a specified manner and at specified times;	
29.1.1.4	a condition that provides that specified material must not, or that only specified material may, be discharged into, or from, the wastewater system;	CEO SEHO EHO
29.1.1.5	a condition that requires the wastewater system to be operated, maintained or serviced by a person of a specified class;	CEO SEHO EHO
29.1.1.6	a condition that requires records of a specified kind to be created, maintained, and provided to EHA and/or Council; or	CEO SEHO EHO
29.1.2	any other conditions including any 1 or more of the following:	
29.1.2.1	a condition that requires decommissioning of the wastewater system:	CEO SEHO EHO
(a)	after a specified trial period; or	CEO SEHO EHO
(b)	in specified circumstances; or	CEO SEHO EHO
(c)	on written notice to the operator of the system;	CEO SEHO EHO
29.1.2.2	a condition that requires a wastewater system to be connected to a community wastewater management system;	CEO SEHO EHO
29.1.2.3	a condition that prevents activities that	CEO

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	would adversely affect the operation or maintenance of a drain or treatment or disposal system or the reuse of wastewater from the wastewater system;	SEHO EHO
29.1.2.4	a condition that requires a wastewater system to have various access points for maintenance or inspection (raised to or terminating at surface level, or as required by EHA or the Council);	CEO SEHO EHO
29.1.2.5	a condition that provides that a wastewater system must not be used unless or until it has been inspected or tested by an independent wastewater engineer and the Council EHA supplied with a certificate given by that expert certifying that the wastewater works have been undertaken in accordance with the approved technical specifications;	CEO SEHO EHO
29.1.2.6	a condition that otherwise specifies requirements relating to:	
(a)	the installation of the wastewater system; or	CEO SEHO EHO
(b)	the decommissioning of the wastewater system; or	CEO SEHO EHO
(c)	the connection of the wastewater system to a community wastewater management system or SA Water sewerage infrastructure or the disconnection of the wastewater system from a community wastewater management system or from SA Water sewerage infrastructure; or	CEO SEHO EHO
(d)	the operation, servicing and	CEO

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	maintenance of the wastewater system; or	SEHO EHO
	(e) the reuse or disposal of wastewater from the wastewater system.	CEO SEHO EHO
29.2	The power pursuant to Regulation 25(3) of the Wastewater Regulations to impose a condition of approval that:	
29.2.1	provides that a matter or thing is to be determined according to the discretion of the Council, EHA, or some other specified person or body; and	CEO SEHO EHO
29.2.2	operates by reference to the manuals referred to in a product approval for the wastewater system; and	CEO SEHO EHO
29.2.3	operates by reference to a specified code as in force at a specified time or as in force from time to time.	CEO SEHO EHO
29.3	The power pursuant to Regulation 25(6) of the Wastewater Regulations to, on application and payment of the fee fixed by Schedule 1, by written notice to the applicant, vary or revoke a condition of a wastewater works approval.	CEO SEHO EHO
29.4	The power pursuant to Regulation 25(7) of the Wastewater Regulations to, on EHA's own initiative, by written notice to the operator of a wastewater system to which a wastewater works approval applies, vary or revoke a condition of the approval or impose a further condition, provided that the variation, revocation or imposition does not take effect until at least 6 months after the giving of the notice unless:	
29.4.1	the operator consents; or	CEO SEHO EHO
29.4.2	EHA states in the notice that, in his/her opinion, the variation, revocation or imposition is necessary in order to prevent or mitigate	CEO SEHO

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<p>significant harm to public or environmental health or the risk of such harm.</p>	EHO
30. Expiry of Approval	
30.1 The power pursuant to Regulation 26(2) of the Wastewater Regulations to, on application and payment of the fee fixed by Schedule 1, postpone the expiry of a wastewater works approval for a specified period.	CEO SEHO EHO
31. Registers of Wastewater Works Approvals	
31.1 The power pursuant to Regulation 27(3) of the Wastewater Regulations, to extend the registers to include wastewater works approvals granted under the revoked regulations.	CEO SEHO EHO
31.2 The power pursuant to Regulation 27(6) of the Wastewater Regulations to include in the registers other information considered appropriate by the EHA.	CEO SEHO EHO
32. Requirement to Obtain Expert Report	
32.1 The power pursuant to Regulation 29(1) of the Wastewater Regulations, if EHA suspects on reasonable grounds that a wastewater system is adversely affecting or threatening public or environmental health, to give the operator of the system a written notice requiring the operator to obtain and provide to EHA and/or the Council a written report from an independent wastewater engineer within a specified period addressing specified matters.	CEO SEHO EHO
32.2 The power pursuant to Regulation 29(3) of the Wastewater Regulations, if the requirements of a notice under Regulation 29 of the Wastewater Regulations are not complied with to obtain the required report and recover the costs and expenses reasonable incurred in doing so from the person who failed to comply with the notice, as a debt.	CEO SEHO EHO
32.3 The power pursuant to Regulation 29(3) of the Wastewater Regulations, to authorise a person to enter land at any reasonable time for the purposes of the report.	CEO SEHO EHO
33. Fees	

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33.1 The power pursuant to Regulation 33(1) of the Wastewater Regulations, to refund, reduce or remit payment of a fee payable under the Wastewater Regulations if EHA considers that appropriate in the circumstances.	CEO
33.2 The power pursuant to Regulation 33(2) of the Wastewater Regulations, to recover a fee payable to the Council by action in a court of competent jurisdiction as a debt due to the Council.	CEO

**SOUTH AUSTRALIAN PUBLIC HEALTH (GENERAL)
REGULATIONS 2013**

34. Non-compliance with Notices (Section 93(6) of Act)		
34.1 The power pursuant to Regulation 5B(2) of the South Australian Public Health (General) Regulations 2013 (the General Regulations), for the purposes of the creation of a charge on land under Section 93 of the Act, to deliver to the Registrar-General a notice, in a form determined by the Minister on the recommendation or with the approval of the Registrar-General:	CEO	
34.1.1 setting out the amount recoverable under Section 93 of the Act; and		
34.1.2 setting out the land in relation to which the relevant action was taken; and		
34.1.3 requesting the Registrar-General to make a notation under Regulation 5B of the General Regulations in relation to the relevant land.		
34.2 The power pursuant to Regulation 5B(8) of the General Regulations, if or when the amount to which the charge relates is paid, to by further notice in writing to the Registrar-General (being a notice in a form determined by the Minister on the recommendation or with the approval of the Registrar-General) cancel the charge.	CEO	

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SCHEDULE OF CONDITIONS

**CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
3	The powers delegated at paragraphs 3.1-3.3 of this instrument can only be exercised after EHA has received consent from the Chief Executive Officer of the Council to exercise those powers on a case-by-case basis.
5.2	The powers delegated at paragraph 5.2 of this instrument can only be exercised after EHA has received consent from the Chief Executive Officer of the Council to exercise those powers on a case-by-case basis.
6	The powers delegated at paragraphs 6.1-6.4 of this instrument can only be exercised after EHA has received consent from the Chief Executive Officer of the Council to exercise those powers on a case-by-case basis.

APPENDIX 6

INSTRUMENT OF SUBDELEGATION UNDER THE SUPPORTED RESIDENTIAL FACILITIES ACT 1992

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council and EHA Board resolution(s) to identify when these delegations were made, reviewed and or amended.
3. Legend for Sub Delegations
CEO – Chief Executive Officer
SEHO – Senior Environmental Health Officer
EHO – Environmental Health Officer

POWERS AND FUNCTIONS SUBDELEGATED BY THE EASTERN HEALTH AUTHORITY IN THIS INSTRUMENT TO THE OFFICERS AND EMPLOYEES OF EASTERN HEALTH AUTHORITY

Power/Function	Office/position to which power/function subdelegated
1. Appointment of Authorised Officers	
1.1 The power pursuant to Section 21(1) of the Supported Residential Facilities Act 1992 ("the Act") to appoint a person to be an authorised officer under the Act;	CEO
1.2 The duty pursuant to Section 21(2) of the Act to issue to an authorised officer an identity card; and	CEO
1.3 The power pursuant to Section 21(4) of the Act by notice in writing served on an authorised officer, to revoke the appointment as an authorised officer.	CEO
2. Application for a Licence	
2.1 The power pursuant to Section 24(3) of the Act by notice in writing not later than two months after a licence application has been made, to require the	CEO SEHO

INSTRUMENT OF SUBDELEGATION UNDER THE SUPPORTED RESIDENTIAL FACILITIES ACT 1992

	applicant to furnish specified information;	EHO
2.2	The power pursuant to Section 24(5) of the Act to require any information included in an application or required by a notice to be verified by statutory declaration;	CEO SEHO EHO
2.3	The power pursuant to Section 24(9) of the Act subject to such conditions as Eastern Health Authority (EHA) thinks fit, to conditionally approve the issue of a licence in respect of proposed premises and the duty where satisfied that the premises have been established in substantial compliance with those conditions (and within such a period, if any as EHA may have determined), to grant a licence; and	CEO
2.4	Where an application for a licence is refused, the duty pursuant to Section 24(10) of the Act notify the applicant in writing of the refusal, the reasons for the refusal, and any appeal rights that the applicant has under the Act.	CEO
2.5	The duty, pursuant to Section 25(1) of the Act in considering an application for a licence in respect of the use of premises as a supported residential facility, to take into account those matters specified in this Section and such other matters as EHA thinks fit;	CEO
2.6	The duty pursuant to Section 25(2) of the Act in determining whether or not an applicant is suitable to be granted a licence, to have regard to those matters specified in this Section and to such other matters as EHA thinks fit;	CEO
2.7	The duty pursuant to Section 25(3) of the Act in determining whether or not premises are suitable to be used as a supported residential facility, to have regard to those matters specified in Section 25(3) of the Act and to such other matters as EHA thinks fit;	CEO
2.8	The duty pursuant to Section 25(4) of the Act not to grant a licence where it appears that the facility would not be administered in accordance with the principles prescribed in Part 2 of the Act.	CEO
3.	Renewal of Licence	

INSTRUMENT OF SUBDELEGATION UNDER THE SUPPORTED RESIDENTIAL FACILITIES ACT 1992

3.1	The power pursuant to Section 27(3) of the Act at EHA's discretion, to determine a late application for renewal provided that the applicant pays the prescribed late application fee;	CEO
3.2	The duty pursuant to Section 27(4) of the Act by notice in writing served on the applicant, to give a decision on an application for the renewal of a licence before the date of expiry of the licence and where EHA decides to refuse an application for renewal of a licence, the duty to state in the notice of refusal the reasons for the refusal and the appeal rights that the applicant may have under the Act.	CEO
3.3	The power pursuant to Section 28 of the Act to refuse to renew a licence on any ground on which a licence may be cancelled.	CEO
4. Licence Conditions		
4.1	The power pursuant to Section 29(2) of the Act to impose licence conditions with respect to such matters as are contemplated by the Act or as EHA considers necessary or expedient for the purposes of the Act;	CEO
4.2	Pursuant to Section 29(3) of the Act where conditions are imposed by EHA:	
4.2.1	if imposed at the time of grant or renewal of the licence – the duty to include them in the licence itself;	CEO
4.2.2	if imposed during the currency of the licence – the duty to impose them by notice in writing served on the holder of the licence;	CEO
4.2.3	the power to vary or revoke conditions at any time by notice in writing served on the holder of the licence;	CEO
4.3	Deliberately left blank.	
5. Transfer of Licence		

INSTRUMENT OF SUBDELEGATION UNDER THE SUPPORTED RESIDENTIAL FACILITIES ACT 1992

5.1	The duty pursuant to Section 30(4) of the Act, upon due application under Section 30 of the Act and payment of the prescribed fee, to transfer the licence to the proposed transferee if satisfied that the proposed transferee would be a suitable person to be granted a licence under the Act.	CEO
6. Cancellation of Licence		
6.1	The power pursuant to Section 31(1) of the Act, to cancel a licence, on reasonable grounds, where satisfied that any of the matters specified in this Section are applicable;	CEO
6.2	The duty pursuant to Section 31(2) of the Act before acting under this Section, to notify the holder of the licence in writing of the proposed cancellation of the licence and allow the holder of the licence at least 28 days within which to make submissions in relation to the proposed action;	CEO
6.3	The power pursuant to Section 31(3) of the Act pending the cancellation (or possible cancellation) of a licence under this Section, to impose conditions to protect the interests of the residents of the facility; and	CEO
6.4	The power pursuant to Section 31(4) of the Act, to appoint an administrator of the facility and to take such other steps as may be reasonable to secure the proper care of the residents of the facility.	CEO
7. Appeals		
7.1	The power pursuant to Section 32(5) of the Act where EHA is satisfied that an applicant for renewal of a licence has instituted or intends to institute an appeal, to order that the licence remain in force until the determination of the appeal; and to impose such conditions as EHA thinks fit.	CEO
7.2	The power pursuant to Section 32(7) of the Act if a person contravenes, or fails to comply with, a condition imposed under Section 32(5) of the Act to revoke any order to which the condition relates.	CEO
7.3	The duty pursuant to Section 33(1) of the Act, and subject to Section 33(2), where application is made for a licence in respect of a facility that was	CEO

INSTRUMENT OF SUBDELEGATION UNDER THE SUPPORTED RESIDENTIAL FACILITIES ACT 1992

<p>in operation during the period of three (3) months immediately preceding the commencement of the Section, to upon payment of the prescribed fee, grant a licence in accordance with the Act for a term of one year.</p>	
8. Appointment of Manager	
8.1 The power pursuant to Section 34(1) of the Act where the proprietor of a facility is not directly involved in the management of the facility or the proprietor of a facility is a body corporate, to approve a natural person for the purpose of managing the facility under that person's personal supervision.	CEO
8.2 The power pursuant to Section 34(2) of the Act to extend the period of management without supervision.	CEO
9. Death of Licensee	
9.1 The power pursuant to Section 35 of the Act, where the holder of a licence dies, to approve the personal representative or some other person to be taken to be the holder of the licence (on the same conditions as applicable to the former holder of the licence) as from the date of death until the expiration of six months from that date or until such later date as may be fixed by EHA.	CEO
10. Revision of Resident Contract by Proprietor	
10.1 The power pursuant to Section 39(2)(b) of the Act to approve the method of providing a termination notice subject to this Section.	CEO
11. Disputes	
11.1 The power pursuant to Section 43(2) of the Act on an application made in relation to any of the matters specified in Section 43(1) of the Act, to explore any possible avenue of achieving conciliation between the parties and for these purposes, EHA, may as it thinks fit, take any action in accordance with Section 43(3) of the Act;	CEO
11.2 The power pursuant to Section 43(6) of the Act, to require an applicant, to furnish such further information in relation to the subject matter of the	CEO

INSTRUMENT OF SUBDELEGATION UNDER THE SUPPORTED RESIDENTIAL FACILITIES ACT 1992

application as EHA thinks necessary, and to verify any information by statutory declaration;	
11.3 The duty pursuant to Section 43(7) of the Act to give the applicant and the respondent reasonable notice of the time and place of any hearing of the application;	CEO
11.4 The power pursuant to Section 43(9) of the Act where satisfied that an interim order is justified by the urgent circumstances of the case, to make an interim order pending final resolution of the matter.	CEO
11.5 The power pursuant to Section 43(11) of the Act to vary or revoke an order made under Section 43 of the Act;	CEO
11.6 The power, pursuant to Section 43(12) of the Act -	
11.6.1 to decline to proceed with an application under this Section until satisfied that reasonable steps have been taken to resolve the dispute pursuant to other procedures specified by EHA;	CEO
11.6.2 to decline to proceed with an application under this Section if EHA considers that it would be more appropriate for proceedings to be taken in a court or tribunal constituted by law; or	CEO
11.6.3 to decline to proceed (or further proceed) with an application under this Section if proceedings related to the subject matter of the application have been commenced in a court or tribunal constituted by law; and	CEO
11.7 The duty pursuant to Section 43(13) of the Act in determining any application under this Section, to act with as much expedition as is reasonably practicable in the circumstances.	CEO
12. Attendance by Health Service Providers etc.	
12.1 The power pursuant to Section 47(1) of the Act to approve a health service provider, social worker, or any person, for the purposes of Section 47.	CEO

INSTRUMENT OF SUBDELEGATION UNDER THE SUPPORTED RESIDENTIAL FACILITIES ACT 1992

13. Complaints	
13.1 The power pursuant to Section 49(1) of the Act to receive a complaint about the management of a supported residential facility or any residential-only premises or about the conduct of a resident of a supported residential facility or any residential-only premises.	CEO SEHO EHO
13.2 The power pursuant to Section 49(2) of the Act to require a complaint to be reduced to writing.	CEO SEHO EHO
13.3 The power pursuant to Section 49(3) of the Act to take such action as EHA thinks fit in view of the complaint.	CEO SEHO EHO
13.4 The power pursuant to Section 49(4) of the Act to appoint an authorised officer to carry out an investigation into the circumstances surrounding the complaint and to attempt to resolve the matter as expeditiously as possible.	CEO
14. Regulations	
14.1 Pursuant to Sections 57(5) and (6) of the Act where the proprietor of a facility who holds a licence under the Act applies to EHA for an exemption from a regulation that applies to the facility and EHA is satisfied -	
14.1.1 that EHA can grant the exemption without seriously affecting the interests of a resident of the facility; and	CEO
14.1.2 that it is appropriate for EHA to grant the exemption in the circumstances of the particular case,	CEO
the power to, by notice in writing to the proprietor, exempt the proprietor from the regulation to which the application relates, on such conditions as EHA thinks fit.	CEO
14.2 The power pursuant to Section 57(7) of the Act, to, at any time, by further notice to the proprietor:	CEO
<i>14.2.1 revoke an exemption under Section 57(5);</i>	

INSTRUMENT OF SUBDELEGATION UNDER THE SUPPORTED RESIDENTIAL FACILITIES ACT 1992

<i>14.2.2 vary or revoke a condition under Section 57(6).</i>	
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INSTRUMENT OF SUBDELEGATION UNDER THE SUPPORTED RESIDENTIAL FACILITIES ACT 1992

DELEGATIONS UNDER THE SUPPORTED RESIDENTIAL FACILITIES REGULATIONS 2009	
Power/Function	Office/position to which power/function subdelegated
15. The duty pursuant to Regulation 4(1) of the Supported Residential Facilities Regulations 2009 (“the Regulations”) to decide an application for a licence under Section 24 of the Act within eight weeks of the application being made.	CEO
16. The duty pursuant to Regulation 4(2) of the Regulations, in considering an application for a licence in respect of the use of premises (or proposed premises) as a supported residential facility, to take into account the extent to which the premises (or proposed premises) accord with the standards prescribed by or under the Building Code of Australia.	CEO
17. The power pursuant to Regulation 5(2) of the Regulations to receive a copy of a prospectus, or a copy of an alteration to a prospectus, and a copy of the written statement required to accompany the prospectus or alteration to the prospectus pursuant to Regulation 5(2)(b) of the Regulations.	CEO
18. The power pursuant to Regulation 14(1)(b) of the Regulations to receive information of any untoward medical event that occurs in relation to a resident of a facility.	CEO
19. The power pursuant to Regulation 17(2) of the Regulations to approve an acting manager for the purpose of appointment to or otherwise assuming the duties of the office of manager of a facility if, for a period exceeding seven days, a manager is absent from the duties of office, or the position of manager is temporarily vacant and a resident of the facility is in need of personal care services.	CEO
20. The power pursuant to Regulation 18(1) of the Regulations to approve a registered nurse as being a person who has appropriate qualifications, skills and experience to oversee the provision of nursing care at a facility.	CEO

INSTRUMENT OF SUBDELEGATION UNDER THE SUPPORTED RESIDENTIAL FACILITIES ACT 1992

21. The power pursuant to Regulation 18(2) of the Regulations, if there is a change in the type or level of services provided at a nursing home, to revoke, by notice in writing to the proprietor, an approval under Regulation 18(1) of the Regulations and require that a new appointment be made to ensure that the person who oversees the provision of nursing care at the facility has the qualifications, skills and experience appropriate to the facility.	CEO
22. The power pursuant to Regulation 21(1)(b) of the Regulations to approve a kitchen at a facility otherwise than in accordance with the requirements of Regulation 21(1)(b) of the Regulations.	CEO
23. The power pursuant to Regulation 21(3)(e) of the Regulations to require the fitting of handrails, ramps and, for a multi-storey building, lifts.	CEO
24. The power pursuant to Regulation 24(1) of the Regulations to direct the proprietor of a facility to install a communication system at the facility.	CEO
25. The duty pursuant to Regulation 26(2) of the Regulations to remit amounts payable to the indemnity fund under Section 56(4) of the Act to the fund manager within 28 days after the end of the financial year in which they are received by EHA.	CEO

INSTRUMENT OF SUBDELEGATION UNDER THE SUPPORTED RESIDENTIAL FACILITIES ACT 1992**SCHEDULE OF CONDITIONS****CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
	NIL

APPENDIX 7

INSTRUMENT OF DELEGATION UNDER THE FOOD ACT 2001

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant EHA Board resolution(s) to identify when these delegations were made, reviewed and or amended.
3. Legend for Sub Delegations
CEO – Chief Executive Officer
SEHO – Senior Environmental Health Officer
EHO – Environmental Health Officer

POWERS AND FUNCTIONS DELEGATED BY THE EASTERN HEALTH AUTHORITY IN THIS INSTRUMENT TO THE OFFICERS AND EMPLOYEES OF EASTERN HEALTH AUTHORITY

Power/Function	Office/position to which power/function delegated
1. Seizure	
1.1 The power pursuant to Section 42(2) of the Food Act 2001 ("the Act") to approve the removal or interference with the thing to which a seizure order under Part 4 of the Act relates before an order is made under Section 42(3)(b) or the order is discharged under Section 42(3)(c) of the Act.	CEO
1.2 The power pursuant to Section 42(3)(a) of the Act to authorise –	CEO

INSTRUMENT OF DELEGATION UNDER THE FOOD ACT 2001

1.2.1	upon application, the release of anything seized under Part 4 of the Act to the person from whom it was seized or to any person who had a right to possession of it at the time of its seizure, subject to such conditions as the Delegate thinks fit, including conditions as to the giving of security for satisfaction of an order under Section 42(3)(b)(i)(B) of the Act; or	CEO
1.2.2	in the case of food or any other perishable thing, order that it be forfeited to the Eastern Health Authority (EHA).	CEO
1.3	The duty pursuant to Section 42(3)(d) of the Act where any food or other perishable thing is seized under Part 4 of the Act in relation to an expiable offence and the offence is expiated –	CEO
1.3.1	if the food or other perishable thing has not already been forfeited by order of the Delegate under Section 42(3)(a)(ii) of the Act, to deal with it in accordance with any determination of the Minister; and	CEO
1.3.2	not make payment of any compensation in respect of the food or other perishable thing.	CEO
1.4	The power pursuant to Section 42(3)(e) of the Act to dispose of anything seized under Part 4 of the Act and forfeited under Section 42 of the Act, by sale, destruction or otherwise as the Delegate directs.	CEO
2.	Review of Decision to Refuse Certificate of Clearance	
2.1	The power pursuant to Section 51(1) of the Act where a person aggrieved by a decision to refuse to give a certificate of clearance under Part 5 of the Act makes application to the appropriate review body for a review of the decision, to respond to the review body on behalf of the EHA.	CEO
3.	Review of Order	
3.1	The duty pursuant to Section 52(2) of the Act where there were no grounds for the making of a prohibition order, to pay such compensation to the applicant for compensation as is just and reasonable.	CEO

INSTRUMENT OF DELEGATION UNDER THE FOOD ACT 2001

3.2	The duty pursuant to Section 52(3) of the Act to send written notification of the determination as to the payment of compensation under Section 52 of the Act, to each applicant for the payment of such compensation.	CEO
3.3	The power pursuant to Section 52(4) of the Act where an applicant for the payment of compensation under Section 52 of the Act is dissatisfied with a determination under Section 52(3) of the Act, as to the refusal to pay compensation or the amount of compensation and has applied to the appropriate review body for a review of the determination, to respond to that review body on behalf of the EHA.	CEO
4. Auditing and Reporting		
4.1	The duty pursuant to Section 79(1) of the Act to determine:	
4.1.1	the priority classification of individual food businesses for the purposes of the application of any requirements of the Regulations relating to food safety programs; and	CEO SEHO
4.1.2	the frequency of auditing of any food safety programs required to be prepared by the Regulations in relation to the food business	
In accordance with Section 79(2) of the Act.		CEO SEHO
4.2	The duty pursuant to Section 79(3) of the Act to provide written notification to the proprietor of a food business of -	
4.2.1	the priority classification it has determined for the food business; and	CEO SEHO
4.2.2	the frequency of auditing of any food safety programs required to be prepared by the Regulations in relation to the food business; and	CEO SEHO
4.2.3	the date by which the food business must have implemented any food safety program required to be prepared by the Regulations in relation to the food business.	CEO SEHO

INSTRUMENT OF DELEGATION UNDER THE FOOD ACT 2001

4.3	The power pursuant to Section 79(4) of the Act to change the priority classification of an individual food business if the Delegate believes that the classification is inappropriate for any reason, including as a result of changes made to the conduct of a food business.	CEO SEHO
4.4	The duty pursuant to Section 79(5) of the Act to provide written notification to the proprietor of food business of any change in priority classification of the food business under Section 79(4) of the Act.	CEO SEHO
5. Reporting Requirements		
5.1	The duty pursuant to Section 81(1) of the Act to receive a report from a food safety auditor in relation to an order or assessment carried out by the food safety auditor for the purposes of this Act.	CEO SEHO
5.2	The duty pursuant to Section 81(7) of the Act to provide a copy of a report in relation to an audit or assessment to the proprietor of the food business concerned.	CEO SEHO
6. Notification of Food Businesses		
6.1	The duty pursuant to Section 86(1) of the Act to receive written notice, in the approved form, from the proprietor of a food business of the information specified in the Food Safety Standards that the proprietor is required to notify to the EHA before the business is conducted.	CEO SEHO EHO
6.2	The duty pursuant to Section 86(2) of the Act to receive written notice, in the approved form, from the proprietor of a food business that is being conducted when the notification requirements of the Food Safety Standards commence, of the information specified in the Food Safety Standard that is to be notified to the EHA.	CEO SEHO EHO
6.3	The duty pursuant to Section 86(3) of the Act where a food business is transferred to another person or where there is a change in the name or address of a food business to receive written notice, in the approved form, from the proprietor of the food business (being, in the case where a food business is transferred to another person, the new proprietor) of the transfer or change (as the case may be) that	CEO SEHO EHO

INSTRUMENT OF DELEGATION UNDER THE FOOD ACT 2001

would be required to be given to the EHA if the notification were an initial notification under Section 86(1) or (2) of the Act.		
7. Appointment of Authorised Officers		
7.1 The power pursuant to Section 94(1) of the Act to appoint a person to be an authorised officer for the purposes of the Act, subject to the duty upon the Delegate to be satisfied that the person has appropriate qualifications or experience to exercise the functions of an authorised officer.	CEO	
7.2 The duty pursuant to Section 94(2) of the Act to prepare and maintain a list of authorised officers appointed for the purposes of Section 94(1) of the Act.	CEO	
7.3 The duty pursuant to Section 95(1) of the Act to provide each authorised officer with a certificate of authority as an authorised officer.	CEO	
7.4 The power pursuant to Section 95(2) of the Act to limit the powers of an authorised officer through the certificate of authority which is provided pursuant to Section 95(1) of the Act.	CEO	
8. Offences		
8.1 The power pursuant to Section 29(2) of the Act where the Delegate forms the opinion that an offence has been committed under the Act to take proceedings by way of prosecution (or, at the discretion of the Delegate, by the issuing of an expiation notice or notices where the offence is expiable) in respect of the following offences –	CEO	
Section	Offence	
Section 13(1)	Handling food intended for sale in a manner that the person knows will render, or is likely to render, the food unsafe.	CEO
Section 13(2)	Handling food intended for sale in a manner that the person ought reasonably to know is likely to render the food unsafe.	CEO
Section 14(1)	Selling food that the person knows is unsafe.	CEO

INSTRUMENT OF DELEGATION UNDER THE FOOD ACT 2001

Section 14(2)	Selling food that the person ought reasonably to know is unsafe	CEO
Section 16(1)	Handling food intended for sale in a manner that will render, or is likely to render, the food unsafe.	CEO
Section 16(2)	Selling food that is unsafe.	CEO
Section 17(1)	Handling food intended for sale in a manner that will render or is likely to render the food unsuitable.	CEO
Section 17(2)	Selling food that is unsuitable.	CEO
Section 21(1)	Failing to comply with any requirement imposed by a provision of the Foods Standards Code in relation to the conduct of a food business or to food intended for sale or food for sale.	CEO
Section 21(2)	Selling food that does not comply with any requirement of the Food Standards Code that relates to the food.	CEO
Section 39	Failure, without reasonable excuse, to comply with a requirement of an authorised officer.	CEO
Section 40	Providing information or producing any document that the person knows is false or misleading in a material particular.	CEO
Section 41(1)	Resisting, obstructing, or attempting to obstruct, without reasonable excuse, an authorised officer in the exercise of his/her functions under the Act.	CEO
Section 41(2)	Impersonating an authorised officer.	CEO
Section 42(2)	Removing or interfering with a thing seized under Part 4 of the Food Act 2001 without the approval of the EHA.	CEO
Section 50	Contravening or failing, without reasonable excuse, to comply with an improvement notice or a prohibition order.	CEO
Section 86(1)	Failure to notify of a food business before the business is conducted.	CEO

INSTRUMENT OF DELEGATION UNDER THE FOOD ACT 2001

Section 86(2)	Failure to notify of a food business that is being conducted.	CEO
Section 86(3)	Failure to notify of a food business that is transferred or which has changed its name or address.	CEO
8.2	The power to elect to charge a person who is alleged to have committed an offence against Division 2, Part 2 of the Act, with a summary offence.	CEO
8.3	The duty pursuant to Section 29(4) of the Act where a person who is alleged to have committed an offence against Division 2, Part 2 of the Act has been given an expiation notice in respect of the offence and does not expiate the offence, to bring proceedings for prosecution of the offence as a summary offence.	CEO

INSTRUMENT OF DELEGATION UNDER THE FOOD ACT 2001**SCHEDULE OF CONDITIONS****CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
	NIL

6.2 GENERAL PURPOSE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2016

Author: Michael Livori
Ref: AF16/1

Summary

Eastern Health Authority's (EHA) Charter requires its books of accounts and financial statements to be audited annually by an external auditor. The audited financial statements must be provided to Constituent Councils prior to 31 August to allow them to be incorporated into their own audited financial statements. The audited financial statements are then required to be incorporated into the EHA Annual Report.

This report presents the draft General Purpose Financial Statements for the year ended 30 June 2016 (the statements) for adoption by the Board of Management.

Report

A meeting of the Eastern Health Authority Audit Committee was held on 17 August 2016 at which Draft General Purpose Financial Statements for the year ending 30 June 2016 were considered.

The statements were prepared in accordance with the Local Government (Financial Management) Regulations 2011, Australian Accounting Standards and the South Australian Model Financial Statements for 2016. They reflect the operations of EHA between the period 1 July 2015 and 30 June 2016.

To assist the committee Jim Keogh and Stuart Simpson from Dean Newberry and Partners were in attendance.

Jim advised the committee that the audit process went very well and there were no significant issues of concern. He commented that where there were significant variances to the adopted budget (ICT and WHS) that the Board of Management had received update reports and had revised budget estimates.

The write off to Provisions for Doubtful Debts relating to outstanding Food Act penalties (Cherry Blossom) was discussed. A letter received from the liquidators advised that unsecured debtors such as EHA would not receive any funds. Subsequently \$114,650 was written off from the doubtful debt provision. This has no impact on the operating result and was a balance sheet adjustment only.

Claudia Goldsmith moved:

That:

1. The Draft General Purpose Financial Statements for the Year ending 30 June 2016 Report is noted.
2. The Committee is satisfied that the 2015/2016 draft statements present fairly the state of affairs of the organisation.
3. The 2015/2016 final audited statements are presented to the Board of Management.
4. The Chair of the Audit Committee is authorised to sign a statement to certify the independence of the external auditors.

A copy of EHA General Purpose Financial Report for the year ending 30 June 2016 is now provided as attachment 1 to this report for the Board of Management's consideration.

There are four principal statements which are accompanied by notes which form part of the financial report:

- Statement of Comprehensive Income
- Statement of Financial Position
- Statement of Changes in Equity
- Statement of Cash Flows

In summary the statements show that EHA is reporting an *operating surplus* resulting from operations of \$21,967.

Material Differences when comparing 2015 and 2016 Financial Statements

Statement of Comprehensive Income

Listed below is a summary of the material differences in relation to the Statement of Comprehensive Income when comparing 2015 and 2016.

Income

Statutory Charges

Decrease of \$42,527 (-27%) to \$114,802

Decrease in expiation fines issued relating to Food Act enforcement matters.

User Charges

Increase of \$38,661 (13%) to \$342,110

Increase in work for City of Unley (SRF), Food Auditing Income and Immunisation Worksite Income.

Investment Income

Decrease of \$5,567 (-27%) to \$15,304
Due to decrease in cash held.

Other Income

Increase of \$4,779 (72%) to \$11,439
Funding from APHN (no jab no pay), Vaccine rebate, Workcover refund.

Total income

Increase of \$31,879 (1%) to \$2,214,776

Expenses

Employee Costs

Increase of \$129,180 (10%) to \$1,483,167
Result of delays in replacement of a number of staff in previous year.

Materials, contracts and other expenses

Increase of \$34,566 (6%) to \$643,081
Costs associated with rectification of ICT environment issues.

Depreciation

Decrease of \$38,606 (-46%) to \$45,098
Correction to Asset Register.

Total Expenses

Increase of \$122,587 (6%) to \$2,192,809

Operating Surplus / Deficit Comparison

The operating surplus of \$21,967 has decreased by \$90,708 when compared to 2015.

The operating result is an improvement of \$46,884 on the adopted budget and an improvement of \$11,884 when compared to the revised budget adopted in March 2016.

It should be noted that the 2015 result was influenced by a reduction in employee expenses due to delays in replacement of a number of staff.

Statement of Financial Position Comparison

The Statement of Financial Position shows as at 30 June 2015:

Total Assets

\$1,160,901 (2015 \$1,393,338), down \$232,437 (-17%)
Result of distribution of 200K to Councils.

Total Liabilities

\$823,268 (2015 \$877,672), down \$54,404 (-6%)
Reduction in borrowings outstanding

Total Equity

\$337,633 (2015 \$515,666), down \$178,034 (-35%)
Result of distribution of 200K to Councils

Statement of Changes in Equity Comparison

Accumulated Surplus

\$337,633 (2015 \$515,666), down \$178,034 (-35%).
Result of distribution of 200K to Councils

Total Equity

337,633 (2015 \$515,666), down \$178,034 (-35%).
Result of distribution of 200K to Councils

Statement of Cash Flow Comparison

Net cash provided by (or used in) Operating Activities

\$72,841 (2015 \$123,525), down \$50,684 (-41%)

Net cash provided by (or used in) Investing Activities

(\$225,723) (2015 \$0, up (\$225,723)
Council Distribution (200K) and Asset renewal

Net cash provided by (or used in) Financing Activities

\$(55,934) (2015 \$(53,369)), up \$(\$2,565)
Repayment of Fit-out Loan

Net increase (decrease) in cash held

(\$208,816) (2015 \$70,156), down \$278,972

Cash and cash equivalents at the end of the period

\$581,155 (2015 \$789,971), down \$208,816
Council Distribution 200K

The external auditor will issue an Audit Opinion taking into account the considerations and any recommendations of both the Committee and Board of Management. The Audit Opinion will be provided to the Board at its meeting on 26 October 2016.

RECOMMENDATION

That:

1. The report regarding the General Purpose Financial Statements for the year ended 30 June 2016 is received.
2. The General Purpose Financial Statements for the year ended 30 June 2016 and provided as attachment 1 are received and adopted.
3. The Chairperson be authorised to sign the adoption statement in relation to the audit for the 2015/2016 financial year.
4. A copy of the Annual Financial Statements are provided to the Constituent Councils.

Eastern Health Authority

General Purpose Financial Reports for the year ended 30 June 2016

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EASTERN HEALTH AUTHORITY

**ANNUAL FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 June 2016**

CERTIFICATION OF AUDITOR INDEPENDENCE

To the best of our knowledge and belief, we confirm that, for the purpose of the audit of Eastern Health Authority for the year ended 30 June 2016, Dean Newbery and Partners, Chartered Accountants, has maintained its independence in accordance with the requirements of the *Local Government Act 1999* and the *Local Government (Financial Management) Regulations 2011* made under that Act.

This statement is prepared in accordance with the requirements of Regulation 22(3) *Local Government (Financial Management) Regulations 2011*.



.....
Michael Livori
CHIEF EXECUTIVE OFFICER



.....
Lisa Scinto
**PRESIDING MEMBER
AUDIT COMMITTEE**

Date: 17/8/16

Eastern Health Authority

STATEMENT OF COMPREHENSIVE INCOME for the year ended 30 June 2016

	Notes	2016	2015
		\$	\$
INCOME			
Council contributions	2	1,609,306	1,576,605
Statutory charges	2	114,802	157,329
User charges	2	342,110	303,449
Grants and subsidies	2	121,815	117,983
Investment income	2	15,304	20,871
Other Income	2	11,439	6,660
Total Income		<u>2,214,776</u>	<u>2,182,897</u>
EXPENSES			
Employee costs	3	1,483,167	1,353,987
Materials, contracts & other expenses	3	643,081	608,515
Depreciation, amortisation & impairment	3	45,098	83,704
Finance costs	3	21,463	24,016
Total Expenses		<u>2,192,809</u>	<u>2,070,222</u>
OPERATING SURPLUS / (DEFICIT)		21,967	112,675
NET SURPLUS / (DEFICIT)		<u>21,967</u>	<u>112,675</u>
transferred to Equity Statement			
Other Comprehensive Income		-	-
TOTAL COMPREHENSIVE INCOME		<u>21,967</u>	<u>112,675</u>

This Statement is to be read in conjunction with the attached Notes.

Eastern Health Authority

STATEMENT OF FINANCIAL POSITION as at 30 June 2016

	Notes	2016	2015
		\$	\$
ASSETS			
Current Assets			
Cash and cash equivalents	4	581,155	789,971
Trade & other receivables	4	158,026	162,272
		Total Current Assets	739,181
		952,243	
Non-current Assets			
Infrastructure, property, plant & equipment	5	421,720	441,095
		Total Non-current Assets	421,720
		441,095	
Total Assets		1,160,901	1,393,338
LIABILITIES			
Current Liabilities			
Trade & other payables	6	95,855	108,658
Borrowings	6	58,623	55,934
Provisions	6	259,008	236,220
		Total Current Liabilities	413,486
		400,812	
Non-current Liabilities			
Borrowings	6	376,575	435,198
Provisions	6	33,207	41,662
		Total Non-current Liabilities	409,782
		476,860	
Total Liabilities		823,268	877,672
NET ASSETS		337,633	515,666
EQUITY			
Accumulated Surplus		337,633	515,666
TOTAL EQUITY		337,633	515,666

This Statement is to be read in conjunction with the attached Notes.

Eastern Health Authority

STATEMENT OF CHANGES IN EQUITY

for the year ended 30 June 2016

		Accumulated Surplus	TOTAL EQUITY
2016	Notes	\$	\$
Balance at end of previous reporting period		515,666	515,666
Net Surplus / (Deficit) for Year		21,967	21,967
Other Comprehensive Income			
Distribution to Constituent Councils		(200,000)	(200,000)
Balance at end of period		337,633	337,633
<hr/>			
2015			
Balance at end of previous reporting period		402,991	402,991
Net Surplus / (Deficit) for Year		112,675	112,675
Balance at end of period		515,666	515,666

This Statement is to be read in conjunction with the attached Notes

Eastern Health Authority

STATEMENT OF CASH FLOWS for the year ended 30 June 2016

CASH FLOWS FROM OPERATING ACTIVITIES	Notes	2016	2015
		\$	\$
Receipts			
Council contributions		1,770,237	1,734,266
Fees & other charges		240,932	173,062
User charges		377,146	328,063
Investment receipts		15,304	25,557
Grants utilised for operating purposes		121,815	117,983
Reimbursements		12,583	7,326
Payments			
Employee costs		(1,458,250)	(1,418,550)
Materials, contracts & other expenses		(984,254)	(818,945)
Finance payments		<u>(22,672)</u>	<u>(25,237)</u>
Net Cash provided by (or used in) Operating Activities		72,841	123,525
CASH FLOWS FROM INVESTING ACTIVITIES			
Payments			
Expenditure on renewal/replacement of assets		(25,723)	-
Capital contributed to Constituent Councils		<u>(200,000)</u>	<u>-</u>
Net Cash provided by (or used in) Investing Activities		(225,723)	-
CASH FLOWS FROM FINANCING ACTIVITIES			
Payments			
Repayments of borrowings		<u>(55,934)</u>	<u>(53,369)</u>
Net Cash provided by (or used in) Financing Activities		(55,934)	(53,369)
Net Increase (Decrease) in cash held		(208,816)	70,156
Cash & cash equivalents at beginning of period	7	789,971	719,815
Cash & cash equivalents at end of period	7	<u>581,155</u>	<u>789,971</u>

This Statement is to be read in conjunction with the attached Notes

Eastern Health Authority

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS for the year ended 30 June 2016

Note 1 - SIGNIFICANT ACCOUNTING POLICIES

The principal accounting policies adopted in the preparation of the financial report are set out below. These policies have been consistently applied to all the years presented, unless otherwise stated.

1 Basis of Preparation

1.1 Compliance with Australian Accounting Standards

This general purpose financial report has been prepared in accordance with Australian Accounting Standards as they apply to not-for-profit entities, other authoritative pronouncements of the Australian Accounting Standards Board, Interpretations and relevant South Australian legislation.

The financial report was authorised for issue by certificate under regulation 14 of the *Local Government (Financial Management) Regulations 2011*.

1.2 Historical Cost Convention

Except as stated below, these financial statements have been prepared in accordance with the historical cost convention.

1.3 Critical Accounting Estimates

The preparation of financial statements in conformity with Australian Accounting Standards requires the use of certain critical accounting estimates, and requires management to exercise its judgement in applying Council's accounting policies. The areas involving a higher degree of judgement or complexity, or areas where assumptions and estimates are significant to the financial statements are specifically referred to in the relevant sections of this Note.

1.4 Rounding

All amounts in the financial statements have been rounded to the nearest dollar (\$).

2 The Local Government Reporting Entity

Eastern Health Authority (EHA) is incorporated under the SA Local Government Act 1999 and has its principal place of business at 101 Payneham Road, St Peters SA 5069. These financial statements include EHA's direct operations and all entities through which EHA controls resources to carry on its functions. In the process of reporting on EHA as a single unit, all transactions and balances between activity areas and controlled entities have been eliminated.

3 Income recognition

Income is measured at the fair value of the consideration received or receivable. Income is recognised when EHA obtains control over the assets comprising the income, or when the amount due constitutes an enforceable debt, whichever first occurs.

Where grants, contributions and donations recognised as incomes during the reporting period were obtained on the condition that they be expended in a particular manner or used over a particular period, and those conditions were undischarged as at the reporting date, the amounts subject to those undischarged conditions are disclosed in these notes. Also disclosed is the amount of grants, contributions and receivables recognised as incomes in a previous reporting period which were obtained in respect of EHA's operations for the current reporting period.

The actual amounts of untied grants received during the reporting periods (including the advance allocations) are disclosed in Note 2.

4 Cash, Cash Equivalents and other Financial Instruments

Cash Assets include all amounts readily convertible to cash on hand at EHA's option with an insignificant risk of changes in value with a maturity of three months or less from the date of acquisition.

All receivables are reviewed as at the reporting date and adequate allowance made for amounts the receipt of which is considered doubtful.

All financial instruments are recognised at fair value at the date of recognition. A detailed statement of the accounting policies applied to financial instruments forms part of Note 8.

5 Infrastructure, Property, Plant & Equipment

5.1 Initial Recognition

All assets are initially recognised at cost. For assets acquired at no cost or for nominal consideration, cost is determined as fair value at the date of acquisition.

All non-current assets purchased or constructed are capitalised as the expenditure is incurred and depreciated as soon as the asset is held "ready for use". Cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition, including architects' fees and engineering design fees and all other costs incurred.

5.2 Materiality

Assets with an economic life in excess of one year are only capitalised where the cost of acquisition exceeds materiality thresholds established by EHA for each type of asset. In determining (and in annually reviewing) such thresholds, regard is had to the nature of the asset and its estimated service life. Examples of capitalisation thresholds applied during the year are given in Note 5.

5.3 Subsequent Recognition

All material asset classes are revalued on a regular basis such that the carrying values are not materially different from fair value. For infrastructure and other asset classes where no active market exists, fair value is determined to be the current replacement cost of an asset less, where applicable, accumulated depreciation calculated on the basis of such cost to reflect the already consumed or expired future economic benefits of the asset. Further detail of existing valuations, methods and valuers are provided at Note 5.

5.4 Depreciation of Non-Current Assets

Other than land, all infrastructure, property, plant and equipment assets recognised are systematically depreciated over their useful lives on a straight-line basis which, in the opinion of EHA, best reflects the consumption of the service potential embodied in those assets.

Depreciation methods, useful lives and residual values of classes of assets are reviewed annually.

Major depreciation periods for each class of asset are shown in Note 5. Depreciation periods for infrastructure assets have been estimated based on the best information available to EHA, but appropriate records covering the entire life cycle of these assets are not available, and extreme care should be used in interpreting financial information based on these estimates.

5.5 Impairment

Assets that have an indefinite useful life are not subject to depreciation and are reviewed annually for impairment. Assets that are subject to depreciation are reviewed for impairment whenever events or changes in circumstances indicate that the carrying amount may not be recoverable. An impairment loss is recognised for the amount by which the asset's carrying amount exceeds its recoverable amount (which is the higher of the present value of future cash outflows or value in use).

For assets whose future economic benefits are not dependent on the ability to generate cash flows, and where the future economic benefits would be replaced if EHA were deprived thereof, the value in use is the depreciated replacement cost. In assessing impairment for these assets, a rebuttable assumption is made that the current replacement cost exceeds the original cost of acquisition.

Where an asset that has been revalued is subsequently impaired, the impairment is first offset against such amount as stands to the credit of that class of assets in Asset Revaluation Reserve, any excess being recognised as an expense.

6 Payables

6.1 Goods & Services

Creditors are amounts due to external parties for the supply of goods and services and are recognised as liabilities when the goods and services are received. Creditors are normally paid 30 days after the month of invoice. No interest is payable on these amounts.

7 Borrowings

Loans are carried at their principal amounts which represent the present value of future cash flows associated with servicing the debt. Interest is accrued over the period to which it relates, and is recorded as part of "Payables". Interest free loans are carried at their nominal amounts; interest revenues foregone by the lender effectively being a reduction of interest expense in the period to which it relates.

8 Employee Benefits

8.1 Salaries, Wages & Compensated Absences

Liabilities for employees' entitlements to salaries, wages and compensated absences expected to be paid or settled within 12 months of reporting date are accrued at nominal amounts (including payroll based oncosts) measured in accordance with AASB 119.

Liabilities for employee benefits not expected to be paid or settled within 12 months are measured as the present value of the estimated future cash outflows (including payroll based oncosts) to be made in respect of services provided by employees up to the reporting date. Present values are calculated using government guaranteed securities rates with similar maturity terms.

No accrual is made for sick leave as EHA's experience indicates that, on average, sick leave taken in each reporting period is less than the entitlement accruing in that period, and this experience is expected to recur in future reporting periods. EHA does not make payment for untaken sick leave.

8.2 Superannuation

EHA makes employer superannuation contributions in respect of its employees to the Local Government Superannuation Scheme. The Scheme has two types of membership, each of which is funded differently. No changes in accounting policy have occurred during either the current or previous reporting periods. Details of the accounting policies applied and EHA's involvement with the schemes are reported in Note 11.

9 Leases

Lease arrangements have been accounted for in accordance with Australian Accounting Standard AASB 117.

In respect of finance leases, where EHA substantially carries all of the risks incident to ownership, the leased items are initially recognised as assets and liabilities equal in amount to the present value of the minimum lease payments. The assets are disclosed within the appropriate asset class, and are amortised to expense over the period during which EHA is expected to benefit from the use of the leased assets. Lease payments are allocated between interest expense and reduction of the lease liability, according to the interest rate implicit in the lease.

In respect of operating leases, where the lessor substantially retains all of the risks and benefits incident to ownership of the leased items, lease payments are charged to expense over the lease term.

10 GST Implications

In accordance with UIG Abstract 1031 "Accounting for the Goods & Services Tax"

- Receivables and Creditors include GST receivable and payable.
- Except in relation to input taxed activities, revenues and operating expenditures exclude GST receivable and payable.
- Non-current assets and capital expenditures include GST net of any recoupment.
- Amounts included in the Statement of Cash Flows are disclosed on a gross basis.

11 Pending Accounting Standards

Certain new accounting standards and UIG interpretations have been published that are not mandatory for the 30 June 2016 reporting period and have not been used in preparing these reports.

AASB 7	Financial Instruments – Disclosures
AASB 9	Financial Instruments
AASB 15	Revenue from Contracts with Customers
AASB 124	Related Party Disclosures

Standards containing consequential amendments to other Standards and Interpretations arising from the above - AASB 2010-7, AASB 2014-1, AASB 2014-3, AASB 2014-4, AASB 2014-5, AASB 2014-6, AASB 2014-7, AASB 2014-8, AASB 2014-9, AASB 2014-10, AASB 2015-1, AASB 2015-2, AASB 2015-3, AASB 2015-4, AASB 2015-5, AASB 2015-6 and AASB 2015-7.

(Standards not affecting local government have been excluded from the above list.)

EHA is of the view that none of the above new standards or interpretations will affect any of the amounts recognised in the financial statements, but that they may impact certain information otherwise disclosed.

The Australian Accounting Standards Board is currently reviewing AASB 1004 *Contributions*. It is anticipated that the changes resulting from this review may have a material effect on the timing of the recognition of grants and contributions, but the financial consequences cannot be estimated until a revised accounting standard is issued.

Accounting Standard AASB 16 *Leases* may have a material effect on the amounts disclosed in these reports, particularly in relation to Infrastructure, Property, Plant & Equipment, but does not commence until the 2019/20 financial period, and it is not EHA's intention to adopt this Standard early.

Eastern Health Authority

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS for the year ended 30 June 2016

Note 2 - INCOME

	Notes	2016	2015
		\$	\$
COUNCIL CONTRIBUTIONS			
City of Burnside		415,037	400,896
Campbelltown City Council		389,840	376,996
City of Norwood Payneham & St Peters		490,646	487,613
City of Prospect		219,621	222,291
Town of Walkerville		94,162	88,809
		<u>1,609,306</u>	<u>1,576,605</u>
STATUTORY CHARGES			
SRF licences		4,792	4,601
Food inspections		56,355	49,059
Legionella registrations & inspections		15,275	22,779
Fines, penalties & expiations		38,380	80,890
		<u>114,802</u>	<u>157,329</u>
USER CHARGES			
Immunisation fee for service		50,515	56,222
Immunisation worksites		110,107	103,385
Food safety training		455	486
Food auditing		60,465	46,220
City of Unley		120,568	97,136
		<u>342,110</u>	<u>303,449</u>
INVESTMENT INCOME			
Interest on investments			
Local Government Finance Authority		15,304	20,871
		<u>15,304</u>	<u>20,871</u>

Eastern Health Authority

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS for the year ended 30 June 2016

NOTE 2 - INCOME (continued)

	Notes	2016	2015
		\$	\$
REIMBURSEMENTS			
Motor vehicle reimbursements		3,975	2,667
Sundry		<u>7,464</u>	<u>3,993</u>
		<u>11,439</u>	<u>6,660</u>
GRANTS, SUBSIDIES, CONTRIBUTIONS			
Other grants, subsidies and contributions		84,291	75,881
Immunisation fees - schools		<u>37,524</u>	<u>42,102</u>
		<u>121,815</u>	<u>117,983</u>
<i>The functions to which these grants relate are shown in Note 12.</i>			
Sources of grants			
State government		<u>121,815</u>	<u>117,983</u>
		<u>121,815</u>	<u>117,983</u>

Eastern Health Authority

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS for the year ended 30 June 2016

Note 3 - EXPENSES

	Notes	2016	2015
		\$	\$
EMPLOYEE COSTS			
Salaries and Wages		1,303,620	1,231,367
Employee leave expense		14,333	(16,430)
Superannuation - defined contribution plan contributions	11	99,335	95,397
Superannuation - defined benefit plan contributions	11	16,838	17,471
Workers' Compensation Insurance		15,000	14,639
Other - Agency Staff and Consultant Medical Officer		34,041	11,543
Total Operating Employee Costs		1,483,167	1,353,987
Total Number of Employees		17.6	18.4
<i>(Number of full time equivalent employees at end of reporting period)</i>			
MATERIALS, CONTRACTS & OTHER EXPENSES			
<u>Prescribed Expenses</u>			
Auditor's Remuneration			
- Auditing the financial reports		7,700	7,700
Bad and Doubtful Debts		3,293	2,590
Board of management expenses		10,772	15,800
Operating Lease Rentals - non-cancellable leases	10		
- minimum lease payments		53,185	55,159
Subtotal - Prescribed Expenses		74,950	81,249
<u>Other Materials, Contracts & Expenses</u>			
Accounting & internal audit		6,265	9,590
Contractors		22,562	23,365
Energy		8,222	9,178
Fringe Benefit Tax		20,471	16,148
Human resources		12,426	14,645
Income protection/Uniform expenses		10,953	16,801
Insurance		26,006	25,950
Legal expenses		20,373	17,689
Motor vehicle expenses		15,141	14,300
IT licencing & support		101,324	55,837
Parts, accessories & consumables		102,308	106,850
Printing & stationery		25,788	33,575
Telephone		13,842	14,001
Public health plan		-	20,678
Office rent		100,002	92,588
Staff training		14,674	19,614
Work health & safety consultancy		37,918	-
Sundry		29,856	36,457
Subtotal - Other Materials, Contracts & Expenses		568,131	527,266
		643,081	608,515

Eastern Health Authority

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS for the year ended 30 June 2016

Note 3 - EXPENSES (cont)

	Notes	2016	2015
		\$	\$
DEPRECIATION, AMORTISATION & IMPAIRMENT			
Depreciation			
Buildings & Other Structures		23,642	23,642
Office Equipment, Furniture & Fittings		21,456	60,062
		45,098	83,704
FINANCE COSTS			
Interest on Loans		21,463	24,016
		21,463	24,016

Eastern Health Authority

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS for the year ended 30 June 2016

Note 4 - CURRENT ASSETS

	Notes	2016	2015
		\$	\$
CASH & EQUIVALENT ASSETS			
Cash on Hand and at Bank		112,228	51,153
Short Term Deposits & Bills, etc		468,927	738,818
		581,155	789,971

TRADE & OTHER RECEIVABLES

Debtors - general	239,871	358,767
Total	239,871	358,767
Less: Allowance for Doubtful Debts	81,845	196,495
	158,026	162,272

Eastern Health Authority

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS for the year ended 30 June 2016

Note 5 - INFRASTRUCTURE, PROPERTY, PLANT & EQUIPMENT

Fair Value Level		2015 \$				2016 \$			
		AT FAIR VALUE	AT COST	ACCUM DEP'N	CARRYING AMOUNT	AT FAIR VALUE	AT COST	ACCUM DEP'N	CARRYING AMOUNT
Buildings & Other Structures	3	-	472,846	(93,760)	379,086	-	472,846	(117,402)	355,444
Office Equipment, Furniture & Fittings		-	289,776	(227,767)	62,009	-	315,499	(249,223)	66,276
TOTAL INFRASTRUCTURE, PROPERTY, PLANT & EQUIPMENT		-	762,622	(321,527)	441,095	-	788,345	(366,625)	421,720
Comparatives		-	762,622	(237,822)	524,800	-	762,622	(321,527)	441,095

This Note continues on the following pages.

Eastern Health Authority

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS for the year ended 30 June 2016

Note 5 - INFRASTRUCTURE, PROPERTY, PLANT & EQUIPMENT

	2015 \$	CARRYING AMOUNT MOVEMENTS DURING YEAR						2016 \$
		Additions		Disposals	Depreciation	Impairment	Net Revaluation	
	CARRYING AMOUNT	New/Upgrade	Renewals				CARRYING AMOUNT	
Buildings & Other Structures	379,086	-	-	-	(23,642)	-	-	355,444
Office Equipment, Furniture & Fittings	62,009	-	25,723	-	(21,456)	-	-	66,276
TOTAL INFRASTRUCTURE, PROPERTY, PLANT & EQUIPMENT	441,095	-	25,723	-	(45,098)	-	-	421,720
Comparatives	524,800	-	-	-	(83,705)	-	-	441,095

This Note continues on the following pages.

Eastern Health Authority

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS for the year ended 30 June 2016

Note 6 - LIABILITIES

	Notes	2016		2015	
		Current	Non-current	Current	Non-current
TRADE & OTHER PAYABLES					
Goods & Services		65,453		87,631	
Accrued expenses - employee entitlements		20,972		10,388	
Accrued expenses - other		9,430		10,639	
		95,855	-	108,658	-
BORROWINGS					
Loans		58,623	376,575	55,934	435,198
		58,623	376,575	55,934	435,198

All interest bearing liabilities are secured over the future revenues of the Council.

PROVISIONS

Employee entitlements (including oncosts)	259,008	33,207	236,220	41,662
	259,008	33,207	236,220	41,662

Eastern Health Authority

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS for the year ended 30 June 2016

Note 7 - RECONCILIATION TO CASH FLOW STATEMENT

(a) Reconciliation of Cash

Cash Assets comprise highly liquid investments with short periods to maturity subject to insignificant risk of changes of value. Cash at the end of the reporting period as shown in the Cash Flow Statement is reconciled to the related items in the Balance Sheet as follows:

	Notes	2016	2015
		\$	\$
Total cash & equivalent assets	4	581,155	789,971
Balances per Cash Flow Statement		581,155	789,971

(b) Reconciliation of Change in Net Assets to Cash from Operating Activities

Net Surplus (Deficit)	21,967	112,675
Non-cash items in Income Statement		
Depreciation, amortisation & impairment	45,098	83,704
Net increase (decrease) in unpaid employee benefits	24,917	(16,430)
Change in allowances for under-recovery	(114,650)	-
	(22,668)	179,949
Add (Less): Changes in Net Current Assets		
Net (increase) decrease in receivables	118,896	16,240
Net increase (decrease) in trade & other payables	(23,387)	(72,664)
Net Cash provided by (or used in) operations	72,841	123,525

(c) Financing Arrangements

Unrestricted access was available at balance date to the following lines of credit:

Corporate Credit Cards	5,000	5,000
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Eastern Health Authority

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS for the year ended 30 June 2016

Note 8 - FINANCIAL INSTRUMENTS

All financial instruments are categorised as *loans and receivables*.

Accounting Policies - Recognised Financial Instruments

Bank, Deposits at Call, Short Term Accounting Policy: Carried at lower of cost and net realisable value; Interest is recognised when earned.
Deposits Terms & conditions: Deposits are returning fixed interest rates between 1.5% and 2% (2015: 2% and 3%). Carrying amount: approximates fair value due to the short term to maturity.
Receivables - Fees & other charges Accounting Policy: Carried at nominal values less any allowance for doubtful debts. An allowance for doubtful debts is recognised (and re-assessed annually) when collection in full is no longer probable. Terms & conditions: Unsecured, and do not bear interest. Although the Authority is not materially exposed to any individual debtor, credit risk exposure is concentrated within the Council's boundaries. Carrying amount: approximates fair value (after deduction of any allowance).
Receivables - other levels of government Accounting Policy: Carried at nominal value. Terms & conditions: Amounts due have been calculated in accordance with the terms and conditions of the respective programs following advice of approvals, and do not bear interest. All amounts are due by Departments and Agencies of State and Federal Governments. Carrying amount: approximates fair value.
Liabilities - Creditors and Accruals Accounting Policy: Liabilities are recognised for amounts to be paid in the future for goods and services received, whether or not billed to the Authority. Terms & conditions: Liabilities are normally settled on 30 day terms. Carrying amount: approximates fair value.
Liabilities - Interest Borrowings Bearing Accounting Policy: Carried at the principal amounts. Interest is charged as an expense as it accrues. Terms & conditions: secured over future revenues, borrowings are repayable (describe basis); interest is charged at a fixed rate of 4.75% (2015: 4.75%) Carrying amount: approximates fair value.
Liabilities - Finance Leases Accounting Policy: accounted for in accordance with AASB 117.

Eastern Health Authority

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS for the year ended 30 June 2016

Note 8 (cont) - FINANCIAL INSTRUMENTS

Liquidity Analysis

	2016	Due < 1 year	Due > 1 year; < 5 years	Due > 5 years	Total Contractual Cash Flows	Carrying Values
Financial Assets						
Cash & Equivalents		\$ 581,155	\$	\$	\$ 581,155	\$ 581,155
Receivables		158,026	-	-	158,026	158,026
Total	739,181	-	-	-	739,181	739,181
Financial Liabilities						
Payables		95,855	-	-	95,855	95,855
Current Borrowings		78,606	-	-	78,606	58,623
Non-Current Borrowings		-	471,638	39,303	510,941	376,575
Total	174,461	471,638	39,303	685,402	531,053	
	2015	Due < 1 year	Due > 1 year; < 5 years	Due > 5 years	Total Contractual Cash Flows	Carrying Values
Financial Assets						
Cash & Equivalents		\$ 789,971	\$	\$	\$ 789,971	\$ 789,971
Receivables		162,272	-	-	162,272	162,272
Total	952,243	-	-	-	952,243	952,243
Financial Liabilities						
Payables		108,658	-	-	108,658	108,658
Current Borrowings		78,606	-	-	78,606	55,934
Non-Current Borrowings		-	471,638	117,909	589,547	435,198
Total	187,264	471,638	117,909	776,811	599,790	

The following interest rates were applicable to Council's borrowings at balance date:

	30 June 2016	30 June 2015
	Weighted Average Interest Rate	Weighted Average Interest Rate
	Carrying Value	Carrying Value
	%	%
Fixed Interest Rates	4.75	4.75
	435,198	491,132
	435,198	491,132

Net Fair Value

All carrying values approximate fair value for all recognised financial instruments. There is no recognised market for the financial assets of the Authority.

Risk Exposures

Credit Risk represents the loss that would be recognised if counterparties fail to perform as contracted. The maximum credit risk on financial assets of EHA is the carrying amount, net of any allowance for doubtful debts. All EHA investments are made with the SA Local Government Finance Authority and are guaranteed by the SA Government. Except as detailed in Notes 5 & 6 in relation to individual classes of receivables, exposure is concentrated within EHA's boundaries, and there is no material exposure to any individual debtor.

Market Risk is the risk that fair values of financial assets will fluctuate as a result of changes in market prices. All of EHA's financial assets are denominated in Australian dollars and are not traded on any market, and hence neither market risk nor currency risk apply.

Liquidity Risk is the risk that EHA will encounter difficulty in meeting obligations with financial liabilities. In accordance with the model Treasury Management Policy (LGA Information Paper 15), liabilities have a range of maturity dates. EHA also has available a range of bank overdraft and standby borrowing facilities that it can access.

Interest Rate Risk is the risk that future cash flows will fluctuate because of changes in market interest rates. EHA has a balance of both fixed and variable interest rate borrowings and investments. Cash flow fluctuations are managed holistically.

Eastern Health Authority

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS for the year ended 30 June 2016

Note 9 - UNIFORM PRESENTATION OF FINANCES

The following is a high level summary of both operating and capital investment activities of EHA prepared on a simplified Uniform Presentation Framework basis.

All Councils in South Australia have agreed to summarise annual budgets and long-term financial plans on the same basis.

The arrangements ensure that all Councils provide a common 'core' of financial information, which enables meaningful comparisons of each Council's finances

	2016 \$	2015 \$
Income	2,214,776	2,182,897
/less Expenses	2,192,809	2,070,222
Operating Surplus / (Deficit)	21,967	112,675
 <i>less Net Outlays on Existing Assets</i>		
Depreciation, Amortisation and Impairment	(45,098)	(83,704)
	(19,375)	(83,704)
 Net Lending / (Borrowing) for Financial Year	41,342	196,379

Eastern Health Authority

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS for the year ended 30 June 2016

Note 10 - OPERATING LEASES

Lease payment commitments of EHA

EHA has entered into non-cancellable operating leases for motor vehicles and a photocopier.

No lease imposes any additional restrictions on EHA in relation to additional debt or further leasing.

Leases in relation to computer and office equipment permit EHA, at expiry of the lease, to elect to re-lease, return or acquire the equipment leased.

No lease contains any escalation clause.

Commitments under non-cancellable operating leases that have not been recognised in the financial statements are as follows:

	2016	2015
	\$	\$
Not later than one year	46,399	43,041
Later than one year and not later than 5 years	46,102	37,286
	<u>92,501</u>	<u>80,327</u>

Eastern Health Authority

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS for the year ended 30 June 2016

Note 11 – SUPERANNUATION

EHA makes employer superannuation contributions in respect of its employees to Statewide Super (formerly Local Government Superannuation Scheme). There are two types of membership, each of which is funded differently. Permanent and contract employees of the South Australian Local Government sector with Salarylink benefits prior to 24 November 2009 have the option to contribute to the Accumulation section and/or Salarylink. All other employees (including casuals) have all contributions allocated to the Accumulation section.

Accumulation only Members

Accumulation only members receive both employer and employee contributions on a progressive basis. Employer contributions are based on a fixed percentage of ordinary time earnings in accordance with superannuation guarantee legislation (9.50% in 2015/16; 9.50% in 2014/15). No further liability accrues to EHA as the superannuation benefits accruing to employees are represented by their share of the net assets of the Fund.

Salarylink (Defined Benefit Fund) Members

Salarylink is a defined benefit scheme where the benefit payable is based on a formula determined by the member's contribution rate, number of years and level of contribution and final average salary. EHA makes employer contributions to Salarylink as determined by the Fund's Trustee based on advice from the appointed Actuary. The rate is currently 6.3% (6.3% in 2014/15) of "superannuation" salary.

In addition, EHA makes a separate contribution of 3% of ordinary time earnings for Salarylink members to their Accumulation account. Employees also make member contributions to the Salarylink section of the Fund. As such, assets accumulate in the Salarylink section of the Fund to meet the member's benefits, as defined in the Trust Deed, as they accrue.

The Salarylink section is a multi-employer sponsored plan. As the Salarylink section's assets and liabilities are pooled and are not allocated by each employer, and employees may transfer to another employer within the local government sector and retain membership of the Fund, the Actuary is unable to allocate benefit liabilities, assets and costs between employers. As provided by AASB 119.32(b), EHA does not use defined benefit accounting for these contributions.

The most recent actuarial investigation was conducted by the Fund's actuary, A C Miller, FIAA, of Russell Employee Benefits Pty Ltd as at 30 June 2014. The Trustee has determined that the current funding arrangements are adequate for the expected Salarylink liabilities. However, future financial and economic circumstances may require changes to EHA's contribution rates at some future time.

Contributions to Other Superannuation Schemes

EHA also makes contributions to other superannuation schemes selected by employees under the "choice of fund" legislation. All such schemes are of the accumulation type, where the superannuation benefits accruing to the employee are represented by their share of the net assets of the scheme, and no further liability attaches to EHA.

6.3 FINANCIAL RESULTS FOR THE YEAR ENDED 30 JUNE 2016

Author: Michael Livori
Ref: AF15/10

Summary

Section 10 of the Local Government (Financial Management) Regulations 2011 requires a regional subsidiary to prepare a report showing its audited financial results for the previous financial year compared with its estimated financial results set out in the budget in a manner consistent with the Model Financial Statements.

Report

The required comparison has been completed and is provided as attachment 1 to this report.

Commentary in relation to the comparison is detailed below.

Statement of Comprehensive Income

Total Operating Income was \$56,030 less than originally budgeted while Total Operating Expenditure was \$102,914 less than budgeted. More detail in relation to income and expenditure variations is provided later in the report (see Funding Statement section of report).

The operating result is a surplus of \$21,967. The original budgeted result was a deficit of \$24,917. The revised (March 2016) budgeted result was a surplus of \$10,083.

Statement of Cash Flow

Net cash Provided/(Used) by operating activities of \$72,841 shows a \$16,907 improvement on the adopted budget of \$55,934.

Cash and Cash Equivalents at the End of Reporting Period \$581,155 improved by \$21,340 in comparison to the adopted budget of \$559,815.

Statement of Financial Position

Total Assets \$1,160,901 show a \$59,476 improvement on the adopted budget position of \$1,101,425.

Total Liabilities \$823,268 show a \$10,012 improvement on the adopted budget position of \$910,833.

Net Current Assets/(Current Liabilities) \$325,695 shows a \$70,704 improvement on the adopted budget position of \$254,991.

Net Assets and Total Equity \$337,633 both show a \$147,041 improvement on the adopted budget position of \$190,592. Of this improvement \$100,156 can be attributed to the previous year's accumulated surplus. The budget was adjusted to reflect this in October 2015 at the first required budget review. A comparison between the

adjusted figure of \$290,748 and the actual result shows a \$46,885 improvement in position.

Net Assets and Total Equity have reduced by (\$178,033) when compared to the previous year which is mainly attributable to the distribution of funds to Constituent Councils (\$200,000).

Statement of Changes in Equity

The net surplus of \$21,967 was an improvement of \$46,884 when compared to the adopted budget of a deficit of \$24,917.

The revised (March 2016) budgeted result was a surplus of \$10,083. The audited result of a net surplus of \$21,967 is within \$11,884 (improvement) of the revised (March 2016) budget result.

Total Equity at the end of the previous reporting period (\$515,666) reduced by \$178,033 to \$337,633. The main driver for this was the distribution of \$200,000 to Constituent Councils.

Eastern Health Authority Funding Statement 2015/2016

EHA's Funding Statement 2015/2016 provides more detailed information in relation to individual budget line performance against both the Adopted and Revised budget. The Funding Statement is provided as attachment 2.

The table below details income variations against the Adopted Budget of greater than \$5,000 and where appropriate an explanation for the variation. Unfavourable variations are shown in red, while favourable variations are black.

Income Variations		
Budget Line	Variation	Reason
Food Inspection Fees	(\$23,645)	Less inspections due to staff availability
Fines	(\$51,620)	Decrease in expiations issued
Non funded vaccines	\$5,515	Increase in price of influenza vaccine
Worksite Immunisation	\$10,107	Increase in price of influenza vaccine
Food Auditing Fees	\$6,465	Increase in audits conducted
City of Unley	\$14,568	Increased SRF contract work

The variation in relation to total actual income received as compared to budgeted income is (\$56,030) or -2.5% (Actual \$2,214,776 / Budgeted \$2,270,806).

The table below details expenditure variations of greater than \$5,000 and where appropriate an explanation for the variation. Unfavourable variations are shown in red, while favourable variations are black.

Expenditure Variations		
Budget Line	Variation	Reason
Total Employee Costs	(\$132,833)	Delays in the appointment of staff to budgeted positions
Maintenance	(\$17,782)	Replacement equipment capitalised
Vehicle Costs	(\$5,960)	Reduced lease costs and fuel
IT Support	\$54,979	Work required to resolve ICT issues (report to Board August 2015)
Board of Management	(\$5,228)	Reduced expenses
Fringe Benefits Tax	\$5,471	Timing of FBT on vehicles
WHS	\$35,918	Please note this variation is against adopted budget. WHS work required approved by Board and budgeted at first (September 2015) Budget Review.
Staff Training	(\$7,326)	Reduced training
Clinic Vaccines	\$12,996	Increase in price of influenza vaccine
Worksite Vaccines	\$17,225	Increase in price of influenza vaccine
Income Protection	(\$5,047)	Less staff covered during year
Legionella Testing	(\$6,816)	Reduced testing required and new testing provider sourced
Website Redevelopment	\$8,205	20K variation for work approved at March 2016 Review. Variation to amended budget is (\$11,975) due to timing of project. 12K variation will be required in 2016/2017 to fund completion.

The variation in relation to total operating expenditure as compared to budgeted expenditure is (\$65,952) or -3% (Actual \$2,126,248 / Budgeted \$2,192,200).

As detailed in the financial statement the **net result** was a surplus of \$21,967. This was an improvement in position of \$46,884 when compared to the budgeted result of a deficit of \$24,917.

The **cash result** was \$11,131 which is an improvement in position of \$11,131 when compared to the budgeted result of \$0.

RECOMMENDATION

That:

The Financial Results for the Year Ending 30 June 2016 report is received.

EASTERN HEALTH AUTHORITY COMPARISON OF ADOPTED BUDGET TO AUDIT RESULTS FOR YEAR ENDING 30 JUNE 2016								
STATEMENT OF COMPREHENSIVE INCOME								
	ADOPTED BUDGET	SEPTEMBER REVIEW	DECEMBER REVIEW	MARCH REVIEW	REVISED BUDGET	AUDITED RESULT	VARIATION AGAINST ADOPTED BUDGET	VARIATION AGAINST ADOPTED BUDGET
<u>INCOME</u>							\$	%
Council Contributions	1,609,306	-	-	-	1,609,306	1,609,306	-	-
Statutory Charges	194,000	-	-	(50,000)	144,000	114,802	(79,198)	-41%
User Charges	307,000	-	-	20,000	327,000	342,110	35,110	11%
Grants, subsidies and contributions	126,500	-	-	-	126,500	121,815	(4,685)	-4%
Investment Income	20,000	-	-	-	20,000	15,304	(4,696)	-23%
Other Income	14,000	-	-	-	14,000	11,439	(2,561)	-18%
TOTAL INCOME	2,270,806	-	-	(30,000)	2,240,806	2,214,776	(56,030)	-2%
<u>EXPENSES</u>								
Employee Costs	1,616,000	(30,000)	(60,000)	(70,000)	1,456,000	1,483,167	(132,833)	-8%
Materials, contracts and other expenses	576,200	30,000	60,000	5,000	671,200	643,081	66,881	12%
Finance Charges	22,672	-	-	-	22,672	21,463	(1,209)	-5%
Depreciation	80,851	-	-	-	80,851	45,098	(35,753)	-44%
TOTAL EXPENSES	2,295,723	-	-	(65,000)	2,230,723	2,192,809	(102,914)	-4%
Operating Surplus/(Deficit)	(24,917)	-	-	35,000	10,083	21,967	46,884	-188%
Net Surplus/(Deficit)	(24,917)	-	-	35,000	10,083	21,967	46,884	-188%
Total Comprehensive Income	(24,917)	-	-	35,000	10,083	21,967	46,884	-188%

EASTERN HEALTH AUTHORITY COMPARISON OF ADOPTED BUDGET TO AUDIT RESULTS FOR YEAR ENDING 30 JUNE 2016								
STATEMENT OF CASH FLOWS								
	ADOPTED BUDGET	SEPTEMBER REVIEW	DECEMBER REVIEW	MARCH REVIEW	REVISED BUDGET	AUDITED RESULT	VARIATION AGAINST ADOPTED BUDGET	VARIATION AGAINST ADOPTED BUDGET
CASHFLOWS FROM OPERATING ACTIVITIES							\$	%
Receipts								
Operating Receipts	2,250,806	-	-	(30,000)	2,220,806	2,522,713	271,907	12%
Investment Receipts	20,000	-	-	-	20,000	15,304	(4,696)	-23%
Payments								
Operating Payments to Suppliers & Employees	(2,192,200)	-	-	65,000	(2,127,200)	(2,442,504)	(250,304)	11%
Interest Expense	(22,672)	-	-	-	(22,672)	(22,672)	-	-
Net Cash Provided/(Used) by Operating Activities	55,934	-	-	35,000	90,934	72,841	16,907	30%
CASH FLOWS FROM FINANCING ACTIVITIES								
Loans Received	-	-	-	-	-	-	-	-
Loan Repayments	(55,934)	-	-	-	(55,934)	(55,934)	-	-
Net Cash Provided/(Used) by Financing Activities	(55,934)	-	-	-	(55,934)	(55,934)	-	-
CASH FLOWS FROM INVESTING ACTIVITIES								
Receipts								
Sale of Replaced Assets	-	-	-	-	-	-	-	-
Payments								
Expenditure on renewal / replacements of assets	-	-	-	-	-	(25,723)	(25,723)	-
Expenditure on new / upgraded assets	-	-	-	-	-	-	-	-
Distributions paid to constituent Councils	(200,000)	-	-	-	(200,000)	(200,000)	-	-
Net Cash Provided/(Used) by Investing Activities	(200,000)	-	-	-	(200,000)	(225,723)	(25,723)	13%
NET INCREASE (DECREASE) IN CASH HELD	(200,000)	-	-	35,000	(165,000)	(208,816)	(25,723)	13%
CASH AND CASH EQUIVALENTS AT BEGINNING OF REPORTING PERIOD	759,815	30,156	-	-	789,971	-	-	-
CASH AND CASH EQUIVALENTS AT END OF REPORTING PERIOD	559,815	30,156	-	35,000	624,971	581,155	21,340	4%

EASTERN HEALTH AUTHORITY COMPARISON OF ADOPTED BUDGET TO AUDIT RESULTS FOR YEAR ENDING 30 JUNE 2016								
STATEMENT OF FINANCIAL POSITION								
	ADOPTED BUDGET	SEPTEMBER REVIEW	DECEMBER REVIEW	MARCH REVIEW	REVISED BUDGET	AUDITED RESULT	VARIATION AGAINST ADOPTED BUDGET	VARIATION AGAINST ADOPTED BUDGET
CURRENT ASSETS							\$	%
Cash and Cash Equivalents	559,815	30,156	-	35,000	624,971	581,155	21,340	4%
Trade & Other Receivables	178,512	(16,240)	-	-	162,272	158,026	(20,486)	-11%
TOTAL CURRENT ASSETS	738,327	13,916	-	35,000	787,243	739,181	854	0%
NON-CURRENT ASSETS								
Equipment	363,098	(2,854)	-	-	360,244	421,720	58,622	16%
TOTAL NON-CURRENT ASSETS	363,098	(2,854)	-	-	360,244	421,720	58,622	16%
TOTAL ASSETS	1,101,425	11,062	-	35,000	1,147,487	1,160,901	59,476	16%
CURRENT LIABILITIES								
Trade & Other Payables	181,322	(72,664)	-	-	108,658	95,855	(85,467)	-47%
Provisions	251,094	(14,874)	-	-	236,220	259,008	7,914	3%
Borrowings	50,920		-	-	50,920	58,623	7,703	15%
TOTAL CURRENT LIABILITIES	483,336	(87,538)	-	-	395,798	413,486	(69,850)	-14%
NON-CURRENT LIABILITIES								
Provisions	43,218	(1,556)	-	-	41,662	33,207	(10,011)	-23%
Borrowings	384,279	-	-	-	384,279	376,575	(7,704)	-2%
TOTAL NON-CURRENT LIABILITIES	427,497	(1,556)	-	-	425,941	409,782	(17,715)	-4%
TOTAL LIABILITIES	910,833	(89,094)	-	-	821,739	823,268	(10,012)	11%
NET CURRENT ASSETS/(CURRENT LIABILITIES)	254,991	101,454	-	35,000	391,445	325,695	70,704	28%
NET ASSETS	190,592	100,156	-	35,000	325,748	337,633	147,041	77%
EQUITY								
Accumulated Surplus/(Deficit)	190,592	100,156	-	35,000	325,748	337,633	147,041	77%
TOTAL EQUITY	190,592	100,156	-	35,000	325,748	337,633	147,041	77%

EASTERN HEALTH AUTHORITY COMPARISON OF ADOPTED BUDGET TO AUDIT RESULTS FOR YEAR ENDING 30 JUNE 2016								
STATEMENT OF CHANGES IN EQUITY								
	ADOPTED BUDGET 15/16	SEPTEMBER REVIEW	DECEMBER REVIEW	MARCH REVIEW	REVISED BUDGET 15/16	AUDITED RESULT	VARIATION AGAINST ADOPTED BUDGET	VARIATION AGAINST ADOPTED BUDGET
<u>ACCUMULATED SURPLUS</u>							\$	%
Balance at beginning of period	415,509	100,156	-	-	515,665	515,665	100,156	24%
Net Surplus/(Deficit)	(24,917)	-	-	35,000	10,083	21,967	46,884	-188%
Distribution to Constituent Councils	(200,000)	-	-	-	(200,000)	(200,000)	-	0%
BALANCE AT END OF PERIOD	190,592	100,156	-	35,000	325,748	337,632	147,040	77%

EASTERN HEALTH AUTHORITY COMPARISON OF FUNDING STATEMENT BUDGET TO AUDITED RESULTS FOR THE FINANCIAL YEAR ENDING 30 JUNE 2016						
Income	Adopted Budget	Revised Budget	Actual Result	Variation to Adopted Budget	Variation to Revised Budget	
Constituent Council Income		2015-2016				
City of Burnside	\$ 415,037	\$ 415,037	\$ 415,037	\$ -	\$ -	
City of Campbelltown	\$ 389,840	\$ 389,840	\$ 389,840	\$ -	\$ -	
City of NPS	\$ 490,646	\$ 490,646	\$ 490,646	\$ -	\$ -	
City of Prospect	\$ 219,621	\$ 219,621	\$ 219,621	\$ -	\$ -	
Town of Walkerville	\$ 94,162	\$ 94,162	\$ 94,162	\$ -	\$ -	
Total Constituent Council Contributions	\$ 1,609,306	\$ 1,609,306	\$ 1,609,306	\$ -	\$ -	
Statutory Charges						
Food Inspection fees	\$ 80,000	\$ 70,000	\$ 56,355	\$ (23,645)	\$ (13,645)	
Legionella registration and Inspection	\$ 20,000	\$ 20,000	\$ 15,275	\$ (4,725)	\$ (4,725)	
SRF Licenses	\$ 4,000	\$ 4,000	\$ 4,792	\$ 792	\$ 792	
Fines	\$ 90,000	\$ 50,000	\$ 38,380	\$ (51,620)	\$ (11,620)	
Total Statutory Charges	\$ 194,000	\$ 144,000	\$ 114,802	\$ (79,198)	\$ (29,198)	
User Charges						
Immunisation - non funded vaccines	\$ 45,000	\$ 45,000	\$ 50,515	\$ 5,515	\$ 5,515	
Immunisation - Worksites	\$ 100,000	\$ 100,000	\$ 110,107	\$ 10,107	\$ 10,107	
Food Auditing	\$ 54,000	\$ 54,000	\$ 60,465	\$ 6,465	\$ 6,465	
City of Unley	\$ 106,000	\$ 126,000	\$ 120,568	\$ 14,568	\$ (5,432)	
Food Safety Training	\$ 2,000	\$ 2,000	\$ 455	\$ (1,545)	\$ (1,545)	
Total User Charges	\$ 307,000	\$ 327,000	\$ 342,110	\$ 35,110	\$ 15,110	
Grants, Subsidies, Contributions						
School Based immunisation Program	\$ 84,500	\$ 84,500	\$ 84,291	\$ (209)	\$ (209)	
Child Immunisation register	\$ 42,000	\$ 42,000	\$ 37,524	\$ (4,476)	\$ (4,476)	
Total Grants, Subsidies, Contributions	\$ 126,500	\$ 126,500	\$ 121,815	\$ (4,685)	\$ (4,685)	
Investment Income						
Interest on investments	\$ 20,000	\$ 20,000	\$ 15,304	\$ (4,696)	\$ (4,696)	
Total Investment Income	\$ 20,000	\$ 20,000	\$ 15,304	\$ (4,696)	\$ (4,696)	
Other Income						
Motor Vehicle re-imbursements	\$ 8,000	\$ 8,000	\$ 3,975	\$ (4,025)	\$ (4,025)	
Sundry Income	\$ 6,000	\$ 6,000	\$ 7,464	\$ 1,464	\$ 1,464	
Total Other Income	\$ 14,000	\$ 14,000	\$ 11,439	\$ (2,561)	\$ (2,561)	
Total of non Constituent Council Income	\$ 661,500	\$ 631,500	\$ 605,470	\$ (56,030)	\$ (26,030)	
Total Income	\$ 2,270,806	\$ 2,240,806	\$ 2,214,776	\$ (56,030)	\$ (26,030)	

EASTERN HEALTH AUTHORITY COMPARISON OF FUNDING STATEMENT BUDGET TO AUDITED RESULTS FOR THE FINANCIAL YEAR ENDING 30 JUNE 2016 (cont)						
Expenditure	Adopted Budget	Revised Budget	Actual Result	Variation to Adopted Budget	Variation to Revised Budget	
Employee Costs						
Salaries & Wages	\$ 1,450,000	\$ 1,290,000	\$ 1,303,620	\$ (146,380)	\$ 13,620	
Superanuation	\$ 118,000	\$ 118,000	\$ 116,173	\$ (1,827)	\$ (1,827)	
Workers Compensation	\$ 15,000	\$ 15,000	\$ 15,000	\$ -	\$ -	
Employee Leave Expenses	\$ 30,000	\$ 30,000	\$ 14,333	\$ (15,667)	\$ (15,667)	
Medical Officer Retainer and Agency Staff	\$ 3,000	\$ 3,000	\$ 34,041	\$ 31,041	\$ 31,041	
Total Employee Costs	\$ 1,616,000	\$ 1,456,000	\$ 1,483,167	\$ (132,833)	\$ 27,167	
Prescribed Expenses						
Auditing and Accounting	\$ 17,000	\$ 17,000	\$ 13,965	\$ (3,035)	\$ (3,035)	
Insurance	\$ 26,000	\$ 26,000	\$ 26,006	\$ 6	\$ 6	
Maintenance	\$ 45,000	\$ 55,000	\$ 27,218	\$ (17,782)	\$ (27,782)	
Vehicle Leasing/maintenance	\$ 69,000	\$ 69,000	\$ 63,040	\$ (5,960)	\$ (5,960)	
Total Prescribed Expenses	\$ 157,000	\$ 167,000	\$ 130,229	\$ (26,771)	\$ (36,771)	
Rent and Plant Leasing						
Electricity	\$ 10,000	\$ 10,000	\$ 8,222	\$ (1,778)	\$ (1,778)	
Plant Leasing Photocopier	\$ 5,700	\$ 5,700	\$ 5,286	\$ (414)	\$ (414)	
Rent	\$ 101,000	\$ 101,000	\$ 100,696	\$ (304)	\$ (304)	
Water	\$ -	\$ -	\$ 284	\$ 284	\$ 284	
Gas	\$ 2,500	\$ 2,500	\$ 2,178	\$ (322)	\$ (322)	
Total Rent and Plant Leasing	\$ 119,200	\$ 119,200	\$ 116,666	\$ (2,534)	\$ (2,534)	
IT Licensing and Support						
IT Licences	\$ 15,000	\$ 15,000	\$ 12,504	\$ (2,496)	\$ (2,496)	
IT Support	\$ 30,000	\$ 75,000	\$ 84,979	\$ 54,979	\$ 9,979	
Internet	\$ 2,000	\$ 2,000	\$ 1,467	\$ (533)	\$ (533)	
IT Other	\$ 2,000	\$ 2,000	\$ 2,374	\$ 374	\$ 374	
Total IT Licensing and Support	\$ 49,000	\$ 94,000	\$ 101,324	\$ 52,324	\$ 7,324	
Administration						
Administration Sundry	\$ 7,000	\$ 7,000	\$ 3,688	\$ (3,312)	\$ (3,312)	
Accreditation Fees	\$ 4,000	\$ 4,000	\$ 2,928	\$ (1,072)	\$ (1,072)	
Board of Management	\$ 16,000	\$ 16,000	\$ 10,772	\$ (5,228)	\$ (5,228)	
Bank Charges	\$ 3,000	\$ 3,000	\$ 3,434	\$ 434	\$ 434	
Public Health Sundry	\$ 5,000	\$ 5,000	\$ 4,415	\$ (585)	\$ (585)	
Fringe Benefits Tax	\$ 15,000	\$ 15,000	\$ 20,471	\$ 5,471	\$ 5,471	
Health promotion	\$ 5,000	\$ 5,000	\$ 5,786	\$ 786	\$ 786	
Legal	\$ 20,000	\$ 20,000	\$ 20,373	\$ 373	\$ 373	
Printing & Stationery & Postage	\$ 30,000	\$ 25,000	\$ 25,788	\$ (4,212)	\$ 788	
Telephone	\$ 15,000	\$ 15,000	\$ 13,842	\$ (1,158)	\$ (1,158)	
Work Health and Safety	\$ 2,000	\$ 32,000	\$ 37,918	\$ 35,918	\$ 5,918	
Rodenticide	\$ 2,000	\$ 2,000	\$ 3,812	\$ 1,812	\$ 1,812	
Staff Amenities	\$ 7,000	\$ 7,000	\$ 2,636	\$ (4,364)	\$ (4,364)	
Staff Training	\$ 22,000	\$ 22,000	\$ 14,674	\$ (7,326)	\$ (7,326)	
Human Resource / Organisational Development	\$ 16,000	\$ 16,000	\$ 12,426	\$ (3,574)	\$ (3,574)	
Bad and Doubtful Debts	\$ -	\$ -	\$ 3,293	\$ 3,293	\$ 3,293	
Total Administration	\$ 169,000	\$ 194,000	\$ 186,256	\$ 17,256	\$ (11,037)	
Immunisation						
Immunisation SBP Consumables	\$ 8,000	\$ 8,000	\$ 9,043	\$ 1,043	\$ 1,043	
Immunisation clinic vaccines	\$ 30,000	\$ 30,000	\$ 42,996	\$ 12,996	\$ 12,996	
Immunisation worksite vaccines	\$ 15,000	\$ 15,000	\$ 32,225	\$ 17,225	\$ 17,225	
Total Immunisation	\$ 53,000	\$ 53,000	\$ 84,264	\$ 31,264	\$ 31,264	
Income protection						
Income Protection	\$ 16,000	\$ 11,000	\$ 10,953	\$ (5,047)	\$ (47)	
Total Uniforms/Income protection	\$ 16,000	\$ 11,000	\$ 10,953	\$ (5,047)	\$ (47)	
Sampling						
Legionella Testing	\$ 12,000	\$ 12,000	\$ 5,184	\$ (6,816)	\$ (6,816)	
Food Sampling	\$ 1,000	\$ 1,000	\$ -	\$ (1,000)	\$ (1,000)	
Total Sampling	\$ 13,000	\$ 13,000	\$ 5,184	\$ (7,816)	\$ (7,816)	
New Initiatives						
Website Upgrade	\$ -	\$ 20,000	\$ 8,205	\$ 8,205	\$ (11,795)	
Total New Initiatives	\$ -	\$ 20,000	\$ 8,205	\$ 8,205	\$ (11,795)	

EASTERN HEALTH AUTHORITY COMPARISON OF FUNDING STATEMENT BUDGET TO AUDITED RESULTS FOR THE FINANCIAL YEAR ENDING 30 JUNE 2016 (cont)					
Expenditure	Adopted Budget	Revised Budget	Actual Result	Variation to Adopted Budget	Variation to Revised Budget
Total Materials, contracts and other expenses	\$ 576,200	\$ 671,200	\$ 643,081	\$ 66,881	\$ (28,119)
Total Operating Expenditure	\$ 2,192,200	\$ 2,127,200	\$ 2,126,248	\$ (65,952)	\$ (952)
Finance Charges	\$ 22,672	\$ 22,672	\$ 21,463	\$ (1,209)	\$ (1,209)
Depreciation, amortisation and impairment	\$ 80,851	\$ 80,851	\$ 45,098	\$ (35,753)	\$ (35,753)
Total Expenditure	\$ 2,295,723	\$ 2,230,723	\$ 2,192,809	\$ (102,914)	\$ (37,914)
Total Income	\$ 2,270,806	\$ 2,240,806	\$ 2,214,776	\$ (56,030)	\$ (26,030)
Net Surplus/Deficit	\$ (24,917)	\$ 10,083	\$ 21,967	\$ 46,884	\$ 11,884
Depreciation Add Back	\$ 80,851	\$ 80,851	\$ 45,098	\$ (35,753)	\$ (35,753)
Loans Received	\$ -	\$ -	\$ -	\$ -	\$ -
Capital Expenditure - plant and Equipment	\$ -	\$ -	\$ -	\$ -	\$ -
Capital Expenditure - Office Fit-out	\$ -	\$ -	\$ -	\$ -	\$ -
Loan Repayments	\$ (55,934)	\$ (55,934)	\$ (55,934)	\$ -	\$ -
Cash Result	\$ -	\$ 35,000	\$ 11,131	\$ 11,131	\$ (23,869)

6.4 ANNUAL BUSINESS PLAN 2015/2016 PERFORMANCE EVALUATION

Author: Michael Livori
Ref: AF15/10

Summary

This report outlines Eastern Health Authority's (EHA's) performance for 2015/2016 against the performance measures contained within the Annual Business Plan.

Report

The Annual Business Plan 2015/2016 was adopted by the Board of Management at its meeting held on 24 June 2015.

The Annual Business Plan includes the following:

- an outline of EHA's objectives for the financial year
- the intended activities to be undertaken and measures required to undertake those activities
- the performance measures intended to assess performance against EHA's objectives
- a summary of its operating expenditure, capital expenditure and sources of revenue for the financial year
- a summary of the budget (including the budgeted statutory financial statements).

Clause 8.2 of the EHA Charter requires the Board to compare the Business Plan against performance targets at least once every financial year.

Outcomes of 2015/2016 have been evaluated against the performance measures contained within the Annual Business Plan to determine whether the objectives of the seven core activities have been achieved.

The results of the evaluation against performance measures are detailed in Attachment 1 to this report.

RECOMMENDATION

That:

The Annual Business Plan 2015/2016 Performance Evaluation report is received.

Business Plan Review - Progress Against Actions

1 July 2015 – 30 June 2016

1.0 – Governance and Organisational Development

Objective 1 Administration of legislative and corporate governance requirements

Actions	Performance Measures	Result
1.1 Monitor the compliance schedule which stipulates the statutory requirements identified in the Charter.	Statutory requirements complied with as per schedule.	Compliance schedule monitored. Required actions are detailed below.
1.2 Properly convene Board meetings providing agendas and minutes. Minimum of 5 ordinary meetings conducted. Notice of meeting given 3 clear days before ordinary meeting. Minutes provided within 5 days of meeting.	5 meetings conducted. Appropriate notice given. Timeframe met.	Five ordinary meetings and one budget workshop meeting were conducted. Time frames met.
1.3 Conduct election for Chair and Deputy Chair of Board of Management in February.	Election conducted at February meeting.	Chair and Deputy Chair elected at meeting held on 24 February 2016.
1.4 Annual business plan to be developed with detailed objectives for the year in consultation with Constituent Councils.	Draft considered at April meeting and adopted at June meeting.	Budget Workshop held with Board of Management (BoM) on 16 March 2016. Constituent Council invited to provide initial comment in February 2016, comment on preliminary draft in March 2016 and again on endorsed draft in May 2016. Draft considered by BOM at 27 April 2016 meeting and adopted at 22 June 2016 meeting.
1.5 Develop budgeted financial statements to implement the Annual Business Plan of EHA. Draft Budgeted Financial Statements considered at May meeting. Budgeted Financial Statements adopted at June meeting.	Budget and Financial Statements adopted. Copy of budget provided to CEO of Constituent Councils within 5 days of adoption.	Budget Workshop held on 16 March 2016 to inform process. Draft Budget presented at 27 April 2016 meeting. Budget Adopted at 22 June 2016 meeting. Budget provided to councils on 23 June 2016.

Business Plan Review - Progress Against Actions

1 July 2015 – 30 June 2016

Actions (continued)	Performance Measures	Results
1.6 Keep proper books of account, regularly report on the financial position of EHA, and apply prudent financial management as required by the Charter.	Financial reports provided at each Board Meeting. Budget reviews presented at October, February and April meetings.	Regular Finance Reports and three Budget Reviews considered and adopted by Board of Management.
1.7 Conduct Audit Committee meetings as required by Charter.	Audit committee meet minimum of two times per annum.	Three Audit Committee meetings held.
1.8 Ensure the financial statements are audited annually as per the requirements of the Charter.	Audited financial statements adopted at August meeting and provided to Constituent Councils within 5 days.	Audit signed without qualification by Auditor and adopted by Board of Management 26 August 2015.
1.9 Monitor Long Term Financial Plan.	Plan reviewed annually as part of budget process.	Initial LTFP adopted on 28 August 2013. LTFP Updated June 2016. Report with amended plan to be reviewed by Audit Committee in March 2017.
1.10 Improve data collection and reporting from Health Manager to enable more effective and efficient reporting.	Opportunities for improvement identified and implemented prior to each new financial year.	EH Team continue to work closely with Open Office to identify, develop and implement new opportunities to improve data collection and reporting.
1.11 Provide regular statistical reports to Board Members and Constituent Council.	Reports provided at scheduled Board meetings.	Reports provided to all Board meetings. Statistical reports form part of delegates report to Constituent Councils.
1.12 Conduct annual review of delegations. Lead Constituent Councils in process. Resolutions and Instruments of delegation provided to Constituent Councils.	Documents provided to Constituent Councils. Delegations from EHA to CEO reviewed.	Review conducted in June 2016 and results of review communicated to Constituent Councils. Reports updating delegations to be considered in August 2016 meeting.

Business Plan Review - Progress Against Actions

1 July 2015 – 30 June 2016

Actions (continued)	Performance Measures	Results
1.13 Compile annual report in relation to the operations of EHA as required by the Charter.	Annual report adopted at August meeting and provided to Constituent Councils and other stakeholders.	Draft Annual Report 2014/2015 adopted at meeting held on 26 August 2015. Annual Report 2014/2015 provided to Board of Management, Constituent Councils, Elected Members, Members of Parliament and Key Stakeholders.
1.14 Compile report pursuant to the SA <i>Public Health Act 2011</i> in relation to the operations of EHA as required by legislation.	Report adopted at relevant Board meeting and provided to Public Health Council.	<i>SA Public Health Act 2011</i> Annual Report 2014/2015 compiled and provided to Public Health Council.
1.15 Compile annual report pursuant to the <i>Food Act 2001</i> in relation to the operations of EHA as required by legislation.	Report adopted at August meeting and provided to SA Health.	<i>Food Act 2001</i> Annual Report 2014/2015 adopted at meeting held on 26 August 2015.
1.16 Compare Annual Business Plan against performance measures.	Report presented to August meeting.	2014/2015 evaluation considered at 26 August 2015 meeting.
1.17 Provide delegates report to CEO of each Constituent Council following Board meetings for tabling at subsequent council meeting.	Reports provided following Board meetings.	Delegate reports provided.
1.18 Properly convene meetings of Constituent Council nominated contacts including providing agendas and minutes.	3 meetings conducted per year.	Council contacts met on four occasions (September and December 2015 and March and June 2016). Agenda and minutes provided for each meeting.
1.19 Maintenance of electronic records management system to properly maintain records and reference documents of EHA.	System developed to ensure appropriate standards are being met.	Draft Records Management Policy developed. Monthly Audit reports are monitored for discrepancies in the TRIM system.

Business Plan Review - Progress Against Actions
1 July 2015 – 30 June 2016

Actions (continued)	Performance Measures	Results
1.20 Explore the potential for the expansion of service provision to areas outside of its current Constituent Council areas.	Report to Board on expansion opportunities.	No opportunities identified.
1.21 Implement a computer "failover system" to assist with continuity of service in the event of loss of access to computer infrastructure.	Failover system implemented.	Implementation delayed until IT system is stabilised. Off site backups still occurring manually on a daily basis.
1.22 Implement upgrade of Health Manager (electronic database) to improve functionality and reporting and to leverage external (field) applications.	Upgrade implemented resulting in improved reporting and field application commenced.	<p>EH Team continue to work closely with Open Office to implement further improvements to the functionality, reporting and external (field) applications.</p> <p>Key upgrade includes:</p> <p>Food routine inspections and follow-ups completed on the hand held tablets. Routine and follow-up inspections emailed to food businesses and reports automatically saved into EHA's records management system Trim.</p>
1.23 Provide administrative assistance to the Public Health Plan Advisory Committee and coordinate reports to the Board of Management.	Reports provided to Board Meetings as required.	Administrative assistance provided to the Regional Public Health Plan Advisory Committee. Update reports to the Board were not required.
1.24 Participate in the Environmental Managers Forum to address environmental health issues and promote uniformity and professional consistency.	Management to attend and participate in the Environmental Managers Forum meetings.	CEO (Convenor of Forum) and Team Leader Environmental Health attended all meetings. Both actively involved with subcommittee work of the Forum.

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Performance Measures (continued)	Results	Actions
1.25 Continue membership and actively participate in the Eastern Adelaide Zone Emergency Management Committee to develop and finalise the Eastern Zone Emergency Management Plan.	Management to attend the Eastern Adelaide Zone Emergency Management Committee and actively contribute towards the development of the Eastern Zone Emergency Management Plan.	CEO and Team Leader Environmental Health attended three Eastern Adelaide Zone Emergency Management Committee meetings.
1.26 Implement the hand held electronic tablets with access to the upgraded Health Manager for EHO's to utilise during routine inspections and complaint investigations.	Introduction and implementation of electronic tablets to improve inspection, complaint and administrative efficiency.	Electronic tablets implemented in May 2016. Food routine inspections and follow-ups completed on the hand held tablets. Routine and follow-up inspections emailed to food businesses and reports automatically saved into EHA's records management system Trim.

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1 July 2015 – 30 June 2016

Objective 1.1 Professional, skilled and committed staff providing valued services to the community

Actions	Performance Measures	Results
1.1.1 Ensure that EHA is properly staffed and resourced in order to carry out its responsibilities.	Continually review staff resources and report to Board if required.	Budgeted staffing levels appropriate. Delays in the appointment of staff to vacant budgeted positions have occurred. This has resulted in pressure on existing staff meeting workloads.
1.1.2 Performance development system used to support staff and link day-to-day and long term activities of staff to the Annual Business Plan and when applicable the Public Health Plan.	Performance development system reviews as required.	Individual Performance Development Framework re-developed. All staff participated within timeframes noted in the EHA High Performance Plan, including six monthly reviews.
1.1.3 Provide continuing professional development opportunities through ongoing education and training which is relevant to roles within EHA.	Training and education opportunities provided to staff.	A significant number of training opportunities were provided to all staff. Records of training are kept in individual personnel files.
1.1.4 Continue to foster team cohesiveness and support effective teamwork.	Training and team building activity provided to staff.	Teamwork identified by staff as key organisational value. Values discussed at staff meetings as part of the EHA High Performance Plan.
1.1.5 Encourage staff to be members of their relevant professional organisation. Support participation and EHA representation at professional Special Interest Groups.	Encourage membership and active participation.	Staff actively participating in relevant professional special interest groups, workgroups and committees.

Business Plan Review - Progress Against Actions

1 July 2015 – 30 June 2016

Actions (continued)	Performance Measures	Results
1.1.6 Maintain a multi-disciplinary approach to the distribution of tasks within teams work review process to promote experience in a range of activities and increase expertise in specialist areas.	Annual work review conducted.	Regular team meetings held to discuss and allocate tasks fairly throughout the teams. All staff provided with an Individual Task Outline to clarify areas of responsibilities. Workplan developed by staff to outline timeframes and performance targets.
1.1.7 Provide systems for a safe working environment with appropriate Work Health and Safety (WHS) practices in place.	WHS to be discussed at all general staff meetings. Provide appropriate training and equipment to new staff.	WHS standing item on General Staff and Team meetings. Any identified issues minuted and resolved.
1.1.8 Review Work Health Safety procedures and work instructions. Implement an action plan outlining a program of improvements required as per timelines set in EHA's WHS 3 Year Plan.	Action plan developed with input of staff. Procedures and work instructions reviewed and created by due date.	Review commenced in April 2016 of WHS and Return to Work Management System and an update of policies and procedures was completed. A Document Map with updated documents was presented at EHA Staff Meeting. Work Health Safety and Return to Work peak policy was adopted by the Board of Management at 27 April 2016 meeting. As part of the review an EHA WHS Plan has been developed with a WHS Action Plan which identifies and prioritises WHS tasks.
1.1.9 Develop a program to ensure EHA staff is effectively inducted and familiar with EHA's methods of operation upon commencement of employment.	Induction program implemented	Update of the Induction Checklist and expansion of list to include specific items for each job position within EHA.

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1 July 2015 – 30 June 2016

2.0 - Health Education and Promotion

Objective 2 An innovative approach to public and environmental health through community education and interaction to increase awareness and understanding

Actions	Performance Measures	Results
2.1 Develop and maintain a comprehensive range of health education and promotion material targeting local health issues incorporating the resources of other health related agencies.	Information library maintained.	Ongoing monitoring of available educational material. Where required updated versions are ordered. Where possible information is electronically recorded on the TRIM records management system.
2.2 In conjunction with health stakeholders support the promotion and delivery of a range of public health information to raise community health awareness and address priority health conditions.	One target issue to be addressed per annum.	Various leaflets ordered through SA Health and supplied to clients in Immunisation Clinics. This year the focus was on the introduction of the 'No Jab No Pay' legislation as well as promotion for the additional Pertussis vaccine booster at 18 months of age.
2.3 Provide targeted educational material in relation to recommended practices, standards and legislative requirements relevant to those responsible for public health related premises (premises with public swimming pools & spas, cooling tower systems & warm water systems, Hairdressers and Beauty Premises, Skin penetration premises (tattoo, body piercing, acupuncture).	Information distributed. Improvement in compliance noted during assessment.	Information relating to <i>Cryptosporidium</i> in public swimming pools distributed for the 2015/2016 summer.

Business Plan Review - Progress Against Actions

1 July 2015 – 30 June 2016

Actions (continued)	Performance Measures	Results
2.4 Promote EHA services and educate the community on matters of public health in conjunction with Constituent Councils	Provide information updates and articles to Constituent Councils as required.	<p>Promotional material from SA Health was used to promote the benefits of Immunisation during Pregnancy, Whooping cough (pertussis) vaccine and Flu vaccine for kids.</p> <p>The Town of Walkerville held a 'Wellbeing Forum' in May 2016. EHA was invited by the Council to attend and set up a stand to promote EHA services (Food, Public Health and Immunisation) and the Eastern Regional Public Health Plan.</p> <p>Public Health Week was held between 4-8 April 2016. There were different daily themes with EHA participating on Day 5: 'Sustaining and Improving Public and Environmental Health Protection'. On behalf of the five Constituent Councils, EHO's set up at stand at the EHA office which coincided with an immunisation public clinic. A variety of public health information was available.</p>
2.5 Liaise with Constituent Councils to explore the possibilities of co-ordinating and or contributing to public health forums, to raise awareness of current public health matters	Discuss the possibilities of public health forums with Constituent Councils.	<p>Presentation on the latest information on immunisation and the upcoming flu season for parents and children at the Town of Walkerville 'Baby Bounce' session.</p> <p>Feedback was provided from Town of Walkerville staff for further sessions to be planned at other Constituent Council children's programs.</p> <p>The Town of Walkerville held a 'Wellbeing Forum' in May 2016. EHA was invited by the Council to attend and set up a stand to promote EHA services (Food, Public Health and Immunisation) and the Eastern Regional Public Health Plan.</p>

Business Plan Review - Progress Against Actions

1 July 2015 – 30 June 2016

Actions (continued)	Performance Measures	Results
2.6 Promote the benefits of immunisation through a variety of mediums such as council customer service centres and council publications, information kits, council and EHA websites.	Number of articles published and amount of information accessed.	Clinic Timetables supplied for each Constituent Council Customer Service Centres. Links on all Constituent Council websites to EHA website and timetable.
2.7 Provide targeted educational material to food proprietors, food handlers and the community on food safety matters.	Educational material provided as required.	Educational material provided as required. Communication updates from SA Health forwarded to food businesses included: <ul style="list-style-type: none"> - cleaning and sanitising of mechanical equipment - hand washing - food preparation cleaning and sanitising - using thermometers
2.8 Design and implement a new food safety training program	Design and introduce a new food safety program	Review of current training program and programs offered across the State was undertaken. The outcomes of the review to be considered in the development of a new food safety program in 2015/2016.
2.9 Participate in Food Safety week and other proactive educational initiatives that raise awareness of food safety amongst the community and improve food handler's understanding of food hygiene.	Number of proactive educational activities conducted each year (at least one per year).	Food Safety Week was held between 8-15 November. The theme was 'Did you know? (busting the food safety myths)'. In supporting Food Safety Week, EHO's set up an information stand at the Prospect Farmers Markets. Food safety information and promotional material provided. Officers also approached food stalls and spent some time answering questions and promoting safe food practices.

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1 July 2015 – 30 June 2016

Actions (continued)	Performance Measures	Results
2.10 Educate proprietors of SRFs in relation to relevant Guidelines and Standards to ensure that adequate standards of assisted care, living standards, safety, hygiene and nutrition are maintained.	Information provided during visits to facility or as needed.	Educational material provided as required during licence transfers, renewal and manager approval process. Relevant legislative requirements are communicated as required in response to issues identified at audits and complaints.
2.11 Review and update EHA's health promotion and information material to ensure information is up to date, uniform and accurate.	Review and update as required.	Food, Public Health and SRF information reviewed and updated on webpage.
2.12 Monitor funding opportunities for pro-active health education and prevention programs.	Report opportunities to Board of Management.	No opportunities in this period.
2.13 Promote who EHA is and what we do to the public and Constituent Council staff.	Promotional initiative undertaken.	EHA Customer Service Public Health Enquiry Guidelines and Development Approvals procedure. Documents to both be used by EHA and Constituent Councils to ensure enquiries and complaints are managed consistently to provide a positive customer service experience.
2.14 Investigate improvements to EHA's website to facilitate exchange of information using electronic media	Improved website functionality.	All links to external websites were reviewed. Obsolete links were either deleted or updated. Commencement of website upgrade in April 2016. Website 'wire frame' completed and gap analysis undertaken. An 'on-line' immunisation booking system to feature in the upgraded web page. Expected date of completion and upgraded in September 2016.

Business Plan Review - Progress Against Actions
1 July 2015 – 30 June 2016

Actions (continued)	Performance Measures	Results
2.15 Explore public feedback options on environmental health services provided by EHA.	Document feedback options.	Online survey developed through Survey Monkey and link emailed to all Worksite clients for 2016.

Business Plan Review - Progress Against Actions

1 July 2015 – 30 June 2016

3.0 – Public and Environmental Health

Objective 3.1 Promote healthy communities by managing the risk from communicable and infectious disease and environmental impacts

Actions	Performance Measures	Results
<p>3.1.1 Compile & maintain a register of all public health related premises.</p> <p>Public Health related premises are:</p> <ul style="list-style-type: none"> 1. Premises with public swimming pools & spas 2. Premises with cooling tower systems & warm water systems 3. Hairdressers and Beauty Premises 4. Skin penetration premises (tattoo, body piercing, acupuncture) 	<p>Register maintained at all times.</p>	<p>Register for beauty and skin penetration, high risk manufactured water systems and swimming pools were maintained and continually upgraded.</p> <p>297 hairdresser, beauty and skin penetration businesses</p> <p>Two Cooling Towers were decommissioned. Two Warm water systems were converted to hot water systems.</p> <p>No new pools. Four pools/spas closed.</p>
<p>3.1.2 Using the SA Health assessment forms determine appropriate standards of public swimming pools and spas are maintained in accordance with the <i>South Australian Public Health (General) Regulations 2013</i>.</p>	<p>Assessments performed bi-annually</p>	<p>All 27 sites were inspected at least once during the year.</p> <p>52 routine, 18 follow-ups, one complaint inspection, three pool closures and one Compliance Notice.</p> <p>Two voluntary closures at two sites. Pool operator instructed to close pool at the third site and a Compliance Notice was issued under the <i>SA Public Health Act 2011</i>.</p>

Business Plan Review - Progress Against Actions

1 July 2015 – 30 June 2016

Actions (continued)	Performance Measures	Results
3.1.3 Using the SA Health assessment forms determine appropriate standards of cooling towers and warm water systems for the management of <i>Legionella</i> in accordance with <i>South Australian Public Health (Legionella) Regulations 2013</i> .	Assessments Performed Annually	Assessments performed annually. Three sites at a six month inspection frequency. 46 systems at 22 sites. 58 routine system inspections conducted at 22 sites. 1 follow up inspections.
3.1.4 Collect routine and random water samples from cooling towers and warm water systems for analysis based on requirements <i>South Australian Public Health (Legionella) Regulations 2013</i> (the <i>Legionella</i> Regulations).	Water samples collected and sent for analysis annually.	Samples collected during each annual inspection and as required during disease investigations. Two samples per system taken once a year at the routine inspection. Six month inspections and sampling continued at a three warm water sites with a history of high counts. Continual Chlorine Dosing systems installed at these three sites to assist with reducing the number of high counts.
3.1.5 Investigate notifiable <i>Legionella</i> incidences and high <i>Legionella</i> counts in a systematic manner in accordance with SA Health and internal procedures.	Prompt investigation commenced in accordance with service standards.	16 high counts of <i>Legionella</i> were detected as a result of routine testing during annual inspections and in house testing by High Risk Manufactured Water Systems (HRMWS) sites. Four <i>Legionella</i> disease incidences reported. Following instructions by SA Health three home investigations and one desktop audit were conducted.

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1 July 2015 – 30 June 2016

Actions (continued)	Performance Measures	Results
3.1.6 Respond to complaints to ensure appropriate infection control standards at hairdressing salons are maintained in accordance with SA Health Guidelines using Environmental Health Australia assessment form.	Investigate and respond to complaints.	No complaints received during reporting period.
3.1.7 Respond to Complaints to ensure appropriate infection control standards at beauty and skin penetration premises are maintained in accordance with SA Health Guidelines using Environmental Health Australia assessment forms.	Investigate and respond to complaints	Four complaints received and investigated during reporting period. All investigations required further follow-up inspections.
3.1.8 Using the SA Health assessment forms determine appropriate standards at beauty premises are maintained in accordance with the SA Health Guidelines.	Assessments performed biennially	A risk classification review of all Personal Care and Body Art (PCBA) premises was undertaken during the year. Beauty premises considered 'high risk' due to new skin penetration practices conducted. A risk reclassification applied to these businesses and inspection frequencies were adjusted. Seven beauty premises were inspected.
3.1.9 Identify new personal appearance practices (ie. Laser hair removal, tattoo removal and permanent makeup) within beauty premises. Liaise closely with SA Health to determine if these practices are required to be assessed in accordance with the SA Health Guidelines. Where required update the register and undertake assessments.	Identify new businesses, update registers and assess biennially	Upon notification or identification of a new personal appearance practice the register was updated during the year.

Business Plan Review - Progress Against Actions

1 July 2015 – 30 June 2016

Actions (continued)	Performance Measures	Results
3.1.10 Using the SA Health assessment forms determine appropriate standards at skin penetration premises (tattoo, body piercing, acupuncture) are maintained in accordance with SA Health Guidelines.	Assessments performed annually	<p>A risk classification review of all Personal Care and Body Art (PCBA) premises was undertaken during the year. Acupuncture risk decreased due to the practice of utilising single use needles. A risk re-classification applied to these businesses and inspection frequencies were adjusted. The number of tattoo premises increased from seven to eight. Excluding the newly notified tattoo premise all seven were inspected. Following risk review acupuncture is on an 18 month inspection frequency. Inspection not required during the year.</p> <p>No complaints were received.</p>
3.1.11 Assess applications for the installation of waste control systems in accordance with internal procedures, legislative requirements and service standards.	Applications managed in accordance with service standards. Compliance with legislative requirements.	<p>Three waste control system applications for an aerobic, septic tank with soakage trench and permanent greywater systems were assessed and approved against the SA Public Health Act (Wastewater) Regulations 2013.</p> <p>No complaints were received.</p>
3.1.12 Respond to complaints or concerns about standards of sanitation and hygiene of boarding and lodging houses.	Response/investigation commenced in accordance with customer service standards.	No complaints received.

Business Plan Review - Progress Against Actions

1 July 2015 – 30 June 2016

Actions (continued)	Performance Measures	Results
<p>3.1.3 Respond to enquiries/complaints in relation to disease control in the built environment that give rise to a risk to health in relation to:</p> <ul style="list-style-type: none"> - Hoarding and squalor - Sanitation - Animal keeping - Vector control - Air quality - Hazardous and infectious substances - Waste control - Notifiable diseases - Refuse storage <p>Enquiries/complaints are investigated in accordance with customer service standards. Seek to accomplish a long term solution. Co-ordinate a multi-agency response where necessary.</p>	<p>Response/investigation commenced in accordance with customer service standards.</p>	<p>268 public health complaints received and investigated.</p> <p>Officers liaised with CDCB branch, SAPOL, Families SA, RSPCA, Mind SA, SA Health, and other agencies where required.</p>
<p>3.1.14 Respond to enquiries/complaints in relation to clandestine drug laboratories and environmental incidents that have the potential to have a detrimental effect on public health.</p>	<p>Response/investigation commenced in accordance with customer service standards.</p>	<p>No notifications of clandestine drug laboratory operations were received.</p>
<p>3.1.15 Distribute advisory information via mail to households informing them of localised vermin and pest problems and how they can be minimised, e.g.: rodents, mosquitoes, pigeons.</p>	<p>Response commenced in accordance with customer service standards.</p>	<p>Template letters to assist with localised mosquito, pigeon and vermin problems are distributed as required.</p>
<p>3.1.16 Provide advice and information materials to residents about air quality concerns including the installation, operation and standards of solid fuel burning appliances.</p>	<p>Information disseminated to community. Improved management of burning appliances.</p>	<p>Information provided as required.</p>
<p>3.1.17 Provide rodent bait to residents upon request.</p>	<p>Rodent bait provision maintained.</p>	<p>Rat bait available for collection. In special circumstances, bait is delivered to residents' homes. Rat bait packs containing four sachets were distributed to residents in response to vermin activity.</p>

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1 July 2015 – 30 June 2016

Actions (continued)	Performance Measures	Results
3.1.18 Undertake relevant notifiable disease investigations including food poisoning outbreaks in collaboration with SA Health.	Number of Investigations	<p>CDCB notifications received:</p> <ul style="list-style-type: none"> <i>Campylobacter</i> – 159 <i>Salmonella</i> – 129 <i>Cryptosporidiosis</i> – 28 <i>Legionellosis</i> – 4 <p>Investigations were undertaken where required based in the instructions from CDCB.</p> <p>65 cases of <i>Salmonella</i> linked to seven food businesses required investigation. It appears that the majority of outbreaks were a result of the consumption of contaminated raw egg contained in ready to eat or lightly-cooked foods.</p> <p>A State-wide increase in <i>Cryptosporidiosis</i> confirmed cases. SA Health recommended a precautionary decontamination to public pools where each case had swum during both their incubation and infectious periods. Precautionary decontaminations were undertaken at five public pools within the Constituent Council area.</p>
3.1.19 Assist members of the community who have a managed health condition (e.g. Diabetes) by offering approved sharps containers at cost price and free disposal of full and approved sharps containers delivered to EHA.	Community sharps disposal service maintained.	Ongoing
3.1.20 Collect discarded syringes on private property.	Safe and timely collection of discarded syringes within customer service standards and following internal procedures.	One complaint was received regarding discarded syringes left on a private property. EHO's attended to the complaint immediately and collected the syringes.

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Actions (continued)	Performance Measures	Results
3.1.21 Ensure Health Manager (electronic database) is updated with assessments and investigations to ensure effective reporting to the Board of Management, Constituent Councils and SA Health.	Update within 5 days of assessment or action.	Entries into Health Manager are completed in a timely manner. Discussion regarding timely entry with officers as required.
3.1.22 Continue to coordinate the Eastern Hoarding and Squalor Committee meetings to allow councils within the eastern region and key stakeholders to liaise and effectively address current hoarding and squalor issues.	Committee to meet every 6 weeks.	Eastern Hoarding and Squalor Group has enabled an inter-agency response to hoarding and squalor issues. EHA continues to co-ordinate the meetings. The group met on three occasions.
3.1.23 EHA to actively participate in the State Severe Domestic Squalor and Interagency Group to further develop strategies and tools to address squalor and hoarding issues consistently across the state.	Attend and actively participate in meetings held every 3 months.	Meetings no longer attended due to disbandment of committee.
3.1.24 Participate with Environmental Health Australia and state and local government authorities to review best practice standards and promote uniformity and professional consistency.	Environmental Health Officers to participate in the Waste Control & Disease Control and Emergency Management Special Interest Groups and other relevant committees.	EHO's attend the Environmental Health Australia Special Interest Groups. Staff participate on a range of representative groups and working parties. EHO participated in the 2015 Environmental Health Australia Conference Committee. EHA provided two presentations at the 2015 Environmental Health Australia Conference. EHO a member of the Disease Investigation Guidelines review committee.

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Actions (continued)	Performance Measures	Results
3.1.25 Participate in the Environmental Health Australia 'Public Health' and 'Waste Control' Special Interest Groups (SIG) to promote uniformity and professional consistency and to discuss the latest information in relation to public health and waste control issues affecting local government.	Attend and actively participate at SIG meetings.	Six Public Health and two Waste Control SIG group meetings held. SIG groups meetings attended by staff.
3.1.26 Ensure activities and outcomes are communicated to the Board of Management, councils and state government bodies as required via: Monthly statistical reports; Reports to the Board of Management and Annual Report under the SA <i>Public Health Act 2011</i> .	Statistical reports, Board Reports and Annual Reports compiled and distributed.	Activity reports prepared for the scheduled Board of Management meetings. EHA Annual report prepared outlining annual activities and distributed to BOM and Constituent Councils, Elected Members and key stakeholders.
3.1.27 Respond to Development Application Referrals from councils about public health related premises and activities.	Timely response provided to all referrals.	Assessments are reviewed as required. Following review of applications EHO's contact new business proprietors and conducted a preliminary onsite inspection.
3.1.28 Liaise with councils to address issues of environment and sustainability where there is a connection to human health.	Comment and input made where applicable.	No comments required by Constituent Councils during the year.
3.1.29 Ensure providers who supply water to the public under the Safe Drinking Water Act 2012, meet the requirements set out by the act and Safe Drinking Water Regulations 2012.	Continue to monitor potential water providers to ensure compliance with the Act and associated regulations.	No identified local providers under the <i>Safe Drinking Water Act, 2011</i> within the five Constituent Councils.

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1 July 2015 – 30 June 2016

Objective 4 The provision of a comprehensive, accessible and efficient immunisation service valued by the community

Actions	Performance Measures	Results
<p>4.1 Delivery of a public clinic immunisation program in accordance with;</p> <ul style="list-style-type: none"> • the current National Health and Medical Research Council (NHMRC) "Australian Immunisation Handbook" • the Department of Health and Ageing "Guidelines on Maintaining the Cold Chain" • the <i>Controlled Substances Act 1984</i> and the <i>Controlled Substances (Poisons) Regulations 2011</i> • the Vaccine Administration Code August 2015 version 1.2 • EHA's Work Health and Safety Policies and Procedures • South Australia's Child Protection Legislation – Child Safe Environment Guidelines. 	<p>Client feedback and attendance. Number of clinics and vaccinations provided. Annual Cold Chain audit and pharmaceutical refrigerator maintenance. Clinical performance and evaluation. Liaison with EHA's Consultant Medical Officer of Health.</p>	<p>Changes to the online 'Australian Immunisation Handbook' were communicated to all Immunisation staff. Immunise Australia website checked monthly for updates.</p> <p>Risk Assessments at all schools performed at the beginning of the 2016 school calendar year. Any identified Hazards or Risks were addressed with the school.</p> <p>School Immunisation Protocols updated in November 2015 all documents and templates to the Schools updated and improved to reflect the changes in the Protocols.</p> <p>Full review of Child Safe Environment Guidelines commenced in June 2016. Safe Environment Policy Guidelines and Criminal History Assessment Procedure to be developed in 2016/2017.</p>
<p>4.2 Promote EHA's public immunisation clinic program through a variety of mediums such as council customer service centres and publications, information kits, council and EHA websites. Mail out of the Immunisation Clinic Program to community organisations. Immunisation education sessions.</p>	<p>Number of articles published and amount of information accessed. Increased number of clinic timetables required & distributed. Website - reports of access.</p>	<p>Clinic Timetable delivered to community & child care centres, kindergartens, libraries, primary schools and Norwood Child Youth Health.</p> <p>EHA website immunisation page reviewed as required – continues to be well sourced.</p>

Business Plan Review - Progress Against Actions

1 July 2015 – 30 June 2016

Actions (continued)	Performance Measures	Results
4.3 Conduct an annual review of EHA's public clinic venues & timetable. Implement necessary changes, including identified hazards. Produce and publish annual immunisation program timetable to reflect the review of the public clinics.	Annual review undertaken at each venue & documented. Identified hazards actioned. Immunisation Program reviewed & published every October.	During August review commenced for 2016 venue timetable. Changes made to the time and location of the Prospect and Walkerville Clinics. Promotion of these clinics has resulted in increases in attendance and positive feedback from clients.
4.4 Deliver School Based Immunisation Program (SIP) to students at schools within in EHA's area in accordance with the SA Health Service Agreement contract with local government.	All students offered vaccinations. Absent consenting students offered vaccination at EHA's public clinics. Coverage rates and statistics to SA Health.	SIP year 8 visits completed for 2015 at 19 schools, totalling 57 sessions. A total of 8,653 vaccines were administered for the 2015 SIP. Statistics submitted via an online database to SA Health. Access to EHA and State coverage data is now able to be analysed.
4.5 Liaise with school coordinators & Immunisation Section of SA Health regarding SIP implementation and evaluation of program.	Successful SIP implementation. Ongoing collaboration & evaluation of coverage.	8,653 vaccines were administered in 2015 for the SIP.
4.6 Recommend vaccinations for community members at risk of occupationally acquired vaccine preventable diseases. Opportunistic promotion of WHS vaccination at public clinics and worksite programs. Website and Mail out promotion.	Enquiries for occupational based vaccinations. Response from mail out –number of new clients. Increased WHS programs at 'At Risk' worksites.	In coordination with SA Health EHA provided Hepatitis A vaccines to children and staff of a Child Care Centre after a staff member was diagnosed with Hepatitis A. A total of 77 children were vaccinated and 22 staff with the first dose of the Hepatitis A vaccine. A follow up of all children was done by mail out to parents in January 2016.

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1 July 2015 – 30 June 2016

Actions (continued)	Performance Measures	Results
<p>4.7 Provide a specialist Worksite Immunisation Program both within and external to the Constituent Council boundaries on a fee for service basis within the private sector.</p> <p>Review program annually – update documents.</p> <p>Aim to provide a professional competitive service.</p>	<p>Feedback from clients. Increase of new clients & regular annual clients. Income generated. Clinical governance maintained. Customer Service Policy recommendations reviewed.</p>	<p>WHS Influenza Vaccination Program provided to: Total of 4,643 Influenza Vaccines administered at 101 worksite visits EHA staff - 96% uptake EHA's five Constituent Council and one client council - Unley Total of 34 WHS Pertussis (dTpa) Vaccines in 2016 to various businesses, government agencies, childcare centres and schools. Online survey developed through Survey Monkey and link emailed to all Worksite clients for 2016. A total of 17 clients provided positive feedback with excellent ratings in relation to the service provided.</p> <p>Updated and redesigned client mail-out to incorporate new logo and posted promotional material to a total of 300 potential clients at businesses and government organisations during November 2015.</p> <p>Trivalent and Quadrivalent Influenza Vaccine offered to all worksites. All repeat clients contacted by phone to arrange a booking.</p> <p>Provision of SA Health Influenza Health Care Worker Immunisation Program continued in 2016.</p>

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Actions (continued)	Performance Measures	Results
4.8 Maintain client immunisation records on EHA's Immunisation database (ImPS program).	Database updated within 3 days of each clinic/school/worksites sessions. Rollover of year 8 students completed.	Distribute, collect and assess clinic & SIP consent forms at each clinic and before the school sessions. Data entry for year 8 SIP and client councils completed by Administration Officers. Upgrade to Imps program in January 2016 after significant testing by EHA on behalf of SA Health. Organised the reformation of the Imps User Group. EHA hosting meetings and liaise with SA Health on behalf of the group.
4.9 Report immunisation statistics to SA Health and the Australian Childhood immunisation Register (ACIR), in accordance with contractual arrangements. SIP statistics entered via online database one month after the last school visit for each vaccine dose completed. Report Human Papillomavirus (HPV) immunisation statistics to HPV Register monthly.	Statistics reported to ACIR within 5 days of clinics. HPV statistics reported monthly to HPV Register. Submission of SIP data to SA Health via online Database.	Statistics submitted for SIP to SA Health. Changes to the ACIR site in January 2016 now allows for weekly upload of data for all encounters for children up to 20 years of age. HPV encounters from SIP and clinics uploaded to HPV Register on a monthly basis. Increased enquiries regarding Immunisation catch-up histories in response to the 'No Jab No Pay' legislative changes were experienced. A full review and significant change to procedures relating to 'Assessment of Immunisation records' to streamline the process. EHA was funded as part of the 'Immunisation Register Data Update Project' coordinated by the Adelaide Primary Health Network to enter Immunisation records of newly arrived refugees onto ACIR. A total of 179 client histories were uploaded which included 836 vaccine records added to the register.

Business Plan Review - Progress Against Actions

1 July 2015 – 30 June 2016

Actions (continued)	Performance Measures	Results
4.10 The CEO/Team Leader Immunisation lobbies through LGA for appropriate funding for sustainability of local government delivery of immunisation services. Development of the Immunisation Service Provision MOU for Local Government within the new SA <i>Public Health Act 2011</i> by the State Government	<p>Meet with LGA/IPN (SA) group to discuss funding & support from governments.</p> <p>Attend meetings in regard to the SA Public Immunisation Services between SA Health & LGA SA.</p> <p>MOU endorsed.</p>	<p>SA Health renewed the service agreement for the ACIR Payment for the 0 – 7 yo match with LG for three years, until 30 June 2016.</p> <p>An agreement was signed between the Minister of Health and EHA for the SIP until 31/12/2016.</p> <p>EHA assisted in the full review the School Program Immunisation Program Protocols with SA Health and were part of the working group.</p>
4.11 <u>Clinical Governance</u> immunisation Nurses will participate in: <ul style="list-style-type: none"> - The Immunisation Providers Network (SA) (IPN SA). - Promoting best practice standards, uniformity and professional consistency. - A recognised SA Health authorised immunisation course. - Maintain authorised immunisation provider status by completing 3 yearly recognised updates. - Other professional updates – rotate participation of biannual PHAA Immunisation conference. - In-house education sessions & team meetings. - Annual CPR & Mandated Notification updates. - Complete 20 hours of valid documented Continuing Professional Development annually. - Random audits by APHRA of RN's completed CPD hours. 	<p>Immunisation Nurses attend the IPN SA meetings & PHAA Immunisation conference.</p> <p>Attend in-house education sessions & mandatory updates.</p> <p>Attend other professional updates.</p> <p>Complete & document annual CPD requirements.</p>	<p>Attendance by immunisation staff at IPN SA meetings.</p> <p>Senior First Aid, CPR and Mandated Notification certificates maintained.</p> <p>In house education sessions provided for updates for EHA programs.</p> <p>In January 2016 SIP session was held for all permanent and casual staff.</p> <p>In March 2016, EHA's Consultant Medical Officer of Health presented on the differences between 'Quadrivalent and Trivalent Influenza Vaccines' to immunisation staff. An update was provided at this session of the 2016 Worksite Immunisation documentation.</p> <p>All staff working at EHA have completed the course by SA Health to become qualified as authorised Immunisation Providers as per the requirements / amendments to the Controlled Substances (poisons) Regulations 2011 & SA Health Vaccine Administration Code August 2015 version 1.</p>

Business Plan Review - Progress Against Actions
1 July 2015 – 30 June 2016

Actions (continued)	Performance Measures	Results
<p>4.12 Ensure activities and outcomes are communicated to the Board of Management, councils and state government bodies as required. Statistical & written reports to the Board of Management as per meetings. Annual Reports as required by the Board of Management & the <i>Public Health Act 2011</i>.</p>	<p>Statistical reports, Board Reports and Annual Reports compiled and distributed as required.</p>	<p>Statistics recorded on an ongoing basis through clinic council survey and SIP summary sheets. Immunisation information reports with tables and graphs provided to the BoM four times a year.</p>

Business Plan Review - Progress Against Actions

1 July 2015 – 30 June 2016

5.0 - Food Safety

Objective 5 Minimise food borne illness by ensuring that safe and suitable food is available to the community

Actions	Performance Measures	Results
5.1 Food businesses are assigned a 'Risk Rating' in accordance with the SA Health Food Business Risk Classification system. Frequency of routine assessments is adjusted based on their performance and within the range of the risk classification.	Apply relevant risk rating to new businesses and undertake assessments in accordance with SA Health Food Business Risk Classification system.	Existing and new businesses assigned with a 'Risk Rating' in accordance with the SA Health Food Business Risk Classification system.
5.2 Routine food business assessments conducted using the Australian Food Safety Assessment (AFSA) in accordance with the <i>Food Act 2001 and Food Safety Standards</i> .	Assessments performed in accordance with the assigned risk rating and frequency.	690 routine inspections and 578 follow-up inspections conducted using the AFSA inspection tool.
5.3 Conduct assessments using the SA Health 'Heightened Inspections forms' for food processing activities that fall under the Primary Production Standards.	SA Health 'Heightened Inspections forms' used when food processing activities fall under the Primary Production Standards.	All seafood businesses were subjected to 'heightened inspections'. During the inspections Officers monitored the cryovacing of ready to eat meats and where required notified SA health of this process.

Business Plan Review - Progress Against Actions

1 July 2015 – 30 June 2016

Actions (continued)	Performance Measures	Results
<p>5.4 Monitor and identify new food processing practices during routine assessments. Update the risk rating to reflect the changes.</p>	<p>Update risk ratings where required.</p>	<p>During inspections EHO's monitor and identify new food processing practices. Risk rating for the business is updated to reflect the change.</p> <p>Officers identified complex food handling practices ie. cook chill, sous vide and aseptic filling to extend 'shelf life'. SA Health worked closely with EHA and the food businesses to ensure the complex process are being applied accurately and the necessary testing is being undertaken to verify the safety of the food.</p> <p>Risk ratings of these businesses were updated where required.</p>
<p>5.5 Ensure appropriate enforcement action is taken in relation to breaches of the <i>Food Act 2001</i> and associated standards in line with EHA's enforcement policy.</p>	<p>Number of enforcement actions taken.</p>	<p>578 Follow-up Inspections 17 Warning letters 93 Improvement Notices 3 Prohibition Orders 14 Expiation Notices, 23 Offences Expiated</p> <p>Lack of skills and knowledge, awareness of food safety hazards and independent motivation to maintain their food businesses are the likely reasons for poor compliance with the food safety standards.</p>

Business Plan Review - Progress Against Actions

1 July 2015 – 30 June 2016

Actions (continued)	Performance Measures	Results
<p>5.6 Investigate food related complaints, alleged food poisoning and food recalls in a systematic and timely manner.</p> <ul style="list-style-type: none"> - alleged food poisoning - microbiological and chemical contamination - foreign matter found in food - poor personal hygiene and handling practices - unclean premises - vermin, insects and pest activity - refuse storage <p>Liaise with SA Health and other councils to ensure a co-ordinated approach where necessary.</p>	<p>Respond to complaints reports and recalls in accordance with customer service standards.</p>	<p>98 complaints received and actioned. Alleged food poisoning (24) accounted for the majority of the complaints. However all but six complaints were 'not justified' as stool sample results are not provided by complainants. No sufficient evidence to justify food poisoning was caused from the premises.</p>
<p>5.7 Respond to food recalls in accordance with SA Health recommendations.</p>	<p>Number of recalls actioned</p>	<p>Responded to recalls in accordance with SA Health recommendations.</p> <p>One major National recall involving <i>Salmonella</i> in bean sprouts. EHA responded to the recall in accordance with SA Health's instructions. This involved sampling and ensuring particular suppliers of bean sprout products were not available for sale. EHA actively participated in State teleconferences for updates.</p>
<p>5.8 Ensure that all businesses servicing vulnerable populations (within the boundaries of the Constituent Councils) have their food safety plan audited in accordance with Food Safety Standard 3.3.1 and the <i>Food Act 2001</i>.</p>	<p>Ensure audits are conducted at appropriate intervals via Health Manager.</p>	<p>Database of businesses servicing vulnerable populations is maintained.</p> <p>Audit frequencies are altered based on the outcome and updated where required.</p>

Business Plan Review - Progress Against Actions
1 July 2015 – 30 June 2016

Actions (continued)	Performance Measures	Results
5.9 Provide a professional auditing service to businesses both within and external to Constituent Council boundaries which require their food safety plans to be audited.	Number of audits conducted.	<p><u>Within our Constituent Council Boundaries</u></p> <p>76 sites required their food safety plan to be audited.</p> <p>54 sites are audited by EHA and the remaining sites are audited by other councils and SA Health.</p> <p>31 audits were conducted at 41 sites. Two sites required two audits during the year.</p> <p>10 follow-up audits conducted.</p> <p><u>External to our Constituent Council Boundaries</u></p> <p>Professional auditing services provided to 36 sites external to Constituent Council boundaries.</p> <p>37 audits were conducted at 36 sites. Two sites were on a six month audit frequency. Two follow-up audits conducted out of council area.</p>

Business Plan Review - Progress Against Actions

1 July 2015 – 30 June 2016

Actions (continued)	Performance Measures	Results
5.10 Ensure businesses provide notification of their business details. Maintain a register of all food businesses operating within EHA's jurisdiction.	Update within 5 days of receipt of new information.	173 businesses closed. 203 notifications received advising of a new food business or change of ownership, were lodged with EHA.
5.11 Ensure Health Manager is updated with assessment status and actions taken to ensure effective reporting to the Board of Management, Constituent Councils and SA Health.	Update within 5 days of assessment or action.	Health Manager an Agenda item at team meetings and additional meetings held as required.
5.12 Provide information to the Board of Management in relation to food safety reforms, such as the Parliamentary Enquiry into Food Safety Schemes, and provide written responses on behalf of EHA and Constituent Councils to State Government.	Information reports provided to Board and distributed to Constituent Councils.	No new reforms requiring written responses during the year.
5.13 Proactively monitor development of new food businesses and refurbishment of existing food businesses. Provide advice in relation to the construction and fit out of premises where requested. Respond to development application referrals from council.	Timely response.	21 fit-out/preopening inspections carried out. EHO's actively monitor changes to businesses and encourage new businesses to undertake a pre-opening inspection or have plans reviewed. Officers respond to development applications received from Constituent Councils and proprietors with in line with the customer service policy. Officers review plans and where required meet on-site to provide fit-out information and technical advice.

Business Plan Review - Progress Against Actions

1 July 2015 – 30 June 2016

Actions (continued)	Performance Measures	Results
5.14 Provide new food businesses with an information kit that introduces EHA and informs the business about the inspection fee policy and food safety essentials.	Information kit provided following receipt of notification form.	Ongoing. Following the receipt of a new Food Business Notification, the notification is processed and welcome pack is sent.
5.15 Conduct food safety assessments of fairs and festivals, temporary events and school fetes in collaboration with the Constituent Councils and relevant event co-ordinators.	Undertake assessments where required	Attended nine festivals and fairs and inspected a total of 97 stalls. EHA in contact with Constituent Councils on upcoming events. Notification form completed by event co-ordinators and stall holders. Information on safe food handling practices and presentation to stall holders provided prior to events.
5.16 Participate in the Environmental Health Australia "Food Safety" Special Interest Group (SIG) to promote uniformity and professional consistency and to discuss the latest information in relation to food safety issues affecting local government.	Attendance of EHA Officers at SIG meetings.	Six SIG Food meetings held during the year. SIG groups meetings attended by staff.
5.17 Actively communicate updates from SA Health and FZSANZ to food premises.	Provide updated information to food businesses as required.	Information distributed to food businesses as required. Communication updates provided to food businesses included: <ul style="list-style-type: none">- cleaning and sanitising of mechanical equipment- hand washing- food preparation cleaning and sanitising- using thermometers

Business Plan Review - Progress Against Actions

1 July 2015 – 30 June 2016

6.0 - Health Care & Community Services

Objective 6 Promote a safe and home-like environment for residents by ensuring quality of care in supported residential facilities

Actions	Performance Measures	Results
6.1 Assess applications for new licences, licence renewals and transfer of licence with regard to Supported Residential Facility legislation and guidelines within legislative timeframes.	Applications processed within legislative timeframes.	Eight licence renewal applications were processed within the legislative timeframe.
6.2 Assess applications for manager and acting manager with regard to Supported Residential Facility legislation and guidelines.	Applications processed within legislative timeframes. Legislative timeframes do not exist	Four applications for Manager and Acting Manager were received, Applications were processed in a timely manner.
6.3 Conduct relicensing audit of facilities against Supported Residential Facility legislation and guidelines. Take advice of the appropriate Fire EHA regarding the status of fire safety in each facility.	Annual announced audit conducted at facilities. Biennial announced audit conducted at retirement villages (subject to performance).	SRF audits were unannounced. Follow-up inspections dates announced. The outcomes of the quarterly audits will be taken into consideration when re-licensing audits. All SRF's audited in accordance with the audit schedule, with a total of 18 unannounced routine audits conducted. Five follow-up visits were conducted. All fire safety committees consulted on fire safety compliance at each facility. Two SRF's were issued one year licenses with no conditions. Six SRF's were issued one year licences with conditions.

Business Plan Review - Progress Against Actions

1 July 2015 – 30 June 2016

Actions (continued)	Performance Measures	Results
6.4 Conduct ongoing inspections to ensure compliance with the legislation including conformity with licence conditions.	Unannounced inspections conducted at SRFs.	All SRF's were audited in accordance with the new audit process. Audits were unannounced and follow-up inspections were announced.
6.5 Respond to enquiries/complaints in relation to SRFs	Responses occur in line with customer service standard.	Three complaints received. One complaint was justified. The investigation confirmed that facility was holding the personal finances of resident that no longer lived at the SRF. Officers liaised with the Public Trustee and the outstanding finances were returned to the resident.
6.6 Liaise with service providers to ensure residents receive appropriate levels of care.	Liaise where required	Quarterly Eastern Region SRF network meetings attended by Officers. Ongoing liaison with DCSI, Office of the Public Advocate and Public Trustee.
6.7 Participate in the Environmental Health Australia "SRF" Special Interest Group to promote uniformity and professional consistency and to discuss the latest information in relation to SRF issues affecting local government.	Attendance of EHA Officers at SIG meetings.	Six SRF SIG meetings held. SIG meetings attended by staff.
6.8 Liaise with Department for Families and Communities on the potential for SRF closures in the area, strategic management options and appropriate alternative accommodation options.	Issues investigated and reported to Board of Management and relevant council as necessary.	No closures undertaken during the year.
6.9 Lobby State Government to ensure legislation applicable to SRFs is appropriate and that local government receives appropriate support for its licensing role.	Initiate discussion with LGA regarding these issues.	The SIG group continues to pursue this matter.

Business Plan Review - Progress Against Actions

1 July 2015 – 30 June 2016

Actions (continued)	Performance Measures	Results
6.10 Provide information to the Board of Management in relation to reform of Supported Residential Facilities and provide written responses on behalf of the EHA and Constituent Councils to State Government.	Information reports provided to Board of Management and distributed to Constituent Councils.	No new reforms requiring written responses during the year.
6.11 Act as Licensing EHA pursuant to the <i>Supported Residential Facilities Act 1992</i> for the City of Unley on a fee for service basis.	Feedback from City of Unley. Contract maintained.	<p>SRF's audited in accordance with the audit schedule, with a total of eight unannounced routine audits conducted. Ten follow-up visits were conducted.</p> <p>Two Licence transfers received and processed.</p> <p>Four SRF's were licensed for one year with conditions.</p> <p>The City of Unley has been consulted in regard to all licenses within their jurisdiction.</p>
6.12 Provide written reports and attend meetings with the City of Unley in accordance with SRF licensing contract requirements.	Reports provided twice per year (as per agreement) and as required.	<p>Report for the period July 15 – Jan 16 provided.</p> <p>Second report for the period Feb 16 – June 16 to be issued in August 2015. The City of Unley was consulted with the delivery date of this report.</p>
6.13 Ensure activities and outcomes are communicated to the Board of Management, councils and state government bodies as required via: Monthly statistical reports; Reports to the Board of Management and Annual Report.	Statistical reports, Board Reports and Annual Reports compiled and distributed.	Ongoing.

Business Plan Review - Progress Against Actions

1 July 2015 – 30 June 2016

7.0 - Emergency Management

Objective 7 Minimise the public health consequences of emergencies through a planned and prepared response

Actions	Performance Measures	Results
7.1 Liaise with the Constituent Councils and Eastern Adelaide Zone Emergency Management Committee to ensure integration of emergency management arrangements.	Attend and participate in committee meetings.	Three of four meetings have been attended by Management staff during the year.
7.2 Conduct exercises with staff to test the Emergency Management Plan and Business Continuity Plan. Participate in any relevant exercises conducted within the region by other organisations.	Conduct or participate in one exercise a year.	CEO and one senior staff member attended four Emergency Management Planning Committee meetings for the St Peters Town Hall complex. Two Emergency Drills were done in 2015/2016. The exercise involved evacuating all staff and customers throughout the complex and using the equipment provided for an emergency.
7.3 Review and update emergency management information on the website.	Review and update as required.	No updates undertaken.
7.4 Review and update the Emergency Management Plan and note any alterations on the amendments register. Review the status of actions arising from the Emergency Management Plan and Business Continuity Plan.	Review plan during August of each year.	A gap analysis of EHA Emergency Management undertaken in April 2016. This review incorporated the Business Continuity Plan. Alterations and amendments to be undertaken during 2016-17.

Business Plan Review - Progress Against Actions

1 July 2015 – 30 June 2016

Actions (continued)	Performance Measures	Results
7.5 Participate with Environmental Health Australia and state and local government authorities to review best practice standards and promote uniformity and professional consistency.	Staff to participate in the Disease Control and Emergency Management Special Interest Group and other relevant committees.	Officers attend the Environmental Health Australia Special Interest Groups.
7.6 Ensure activities and outcomes are communicated to the Board of Management, councils and state government bodies as required via: Monthly statistical reports; Reports to the Board of Management and Annual Report under the SA <i>Public Health Act 2011</i> .	Statistical reports, Board Reports and Annual Reports compiled and distributed.	Ongoing.
7.7 Emergency Management Plan strategies to be reflected in the Public Health Plan and Risk and Opportunity Management Policy and Framework to ensure consistency over the three strategic plans.	Emergency Management Plan incorporated in the Risk and Opportunity Management Policy and Framework. The Emergency Management Plan to be recognised during the public health planning process.	Emergency Management challenges and directions have been incorporated in the Regional Public Health Plan. Emergency Management strategies reflected in the Risk and Opportunity Management Policy and Framework.

6.5 FOOD ACT ANNUAL REPORT 2015/2016

Author: Nadia Conci
Ref: AF11/205

Summary

Section 93 of the *Food Act 2001* (the Act) requires the head of an enforcement agency to report each year to SA Health. A report has been prepared on Eastern Health Authority's (EHA) performance under the Act for 2015/2016 and is provided for the Board's endorsement.

Report

Under Section 109 of the *Food Act 2001* (the Act), SA Health is required to submit a report to the Minister on the administration of the Act each year. Local Councils, as enforcement agencies, have an essential role in the administration of the Act. Therefore, information provided by local government forms an important component of SA Health's annual report.

On 2 June 2016, SA Health requested that enforcement agencies provide an annual report in accordance with section 93 of the *Food Act 2001*.

SA Health provided a pro-forma to act as a guide that contains indicators to assist local councils with reporting on the administration of the Act.

The completed questionnaire is provided as attachment 1 of this report and is a statistical review of the work undertaken during 2015/2016.

Statistics detailed in the report are reflective of the Authrosied Officers concerted effort to conduct thorough routine and follow-up inspections and apply a graduated and proportionate enforcement response to either re-occurring or very serious food safety breaches.

For further detail, Board Members are referred to the Food Act Annual Report.

RECOMMENDATION

That:

The report titled Food Act Annual Report 2015/2016 (attachment 1) be received and endorsed.

DRAFT FOOD ACT 2001 - ANNUAL REPORT QUESTIONNAIRE

Information on Local Government Administration of the Food Act for the period 1st July 2015 to 30th June 2016

Council Name :

Eastern Health Authority(EHA)

1.Authorised Officers

An authorised officer (AO) is defined as "a person appointed under Part 9, Division 3 of the *Food Act 2001*. Under Division 3 a council is required to maintain a list of AOs appointed under the Act. Please provide the following advice on persons who were listed as an AO for your council, under this provision, on the 30th June 2016. **The purpose of this question is to update the current list of authorised officers working in South Australia. Where part time staff are employed by more than one council, only include these people if they are working in your council on the 30th June 2016.** If on the 30th of June 2016 the council did not have an AO under the Food Act please provide a nil return.

Name of Authorised Officer	Position Title	Contact Details (phone, fax, mobile, email)	Full time or Part Time appointment?	**If Part Times . Record the FTE (Full time Equivalent)	Does the authorised officer work for more than one council?	Name the other councils	Percentage of time spent on food related matters (including routine, follow-up and complaints)	
							Inspections	Audits
Tina-Marie Aghiana	EHO	w: 8132 3640 m:0413239036 taghiana@eha.sa.gov.au	Part Time	0.8	No	n/a	20.00%	40.00%
Travis John	EHO	w: 8132 3631 m: 0481033817 tjohn@eha.sa.gov.au	Full Time	1	No	n/a	60.00%	0.00%
Bradley Prosser	EHO	w: 8132 3630 m: 0413238906 bprosser@eha.sa.gov.au	Full Time	1	No	n/a	50.00%	0.00%
Nathan Emes	EHO	w: 8132 3617 m: 0413239015 nemes@eha.sa.gov.au	Full Time	1	No	n/a	90.00%	0.00%
Vicki Burns	EHO	w: 8132 3614 m: 0413238830 vburns@eha.sa.gov.au	Full Time	1	No	n/a	30.00%	0.00%
Charlotte Adhikari	EHO	w: 8132 3624 m: 0413238978 cadhikari@eha.sa.gov.au	Full Time	1	No	n/a	40.00%	0.00%
Luke Smith	EHO	w: 8132 3660 m: 0413238894 lsmith@eha.sa.gov.au	Full Time	1	No	n/a	40.00%	0.00%
Nadia Conci	Team Leader	w: 8132 3626 m: 04132 38927 nconci@eha.sa.gov.au	Full Time	1	No	n/a	20.00%	10.00%
Michael Livori	CEO	w: 8132 3611 m: 0400102077 mlivori@eha.sa.gov.au	Full Time	1	No	n/a	10.00%	0.00%
							TOTAL %	40.00% 5.56%

** FTE = Part time working hrs per week/ Full time working hours per week. For example: Officer working 15 hrs a week. Fulltime hours for the week = 37.5. FTE= 15/37.5 which is 0.4 FTE

2. Inspections & Audits of Food Premises**2A. Inspection/Audit Policy**

Does your council have a food inspection/audit policy?

Yes

If yes, please attach a copy of the policy (or provide the web link) upon submission of your councils Food Act Report.

2B. Food Audits

The Food Act requires businesses that service “Vulnerable Populations” to have a Food Safety Programme and are subject to an audit in order to verify compliance with Standard 3.2.1. Please complete the following table with respect to your council area only (if you audit outside your council area, these details will be captured by the respective council). If these businesses were also inspected during the financial year, please provide this information as well.

Business Type- Vulnerable Population	No. of Businesses	Routine Audits (Standard 3.2.1, 3.2.2 & 3.2.3)		Routine Inspections (Standard 3.2.2 & 3.2.3)	
		No. of audits conducted by your council	No. of audits conducted by other councils (In your area)	No. of inspections conducted	No. of follow-up inspections conducted
Child Care Centers	28	20	1	8	0
Aged Care Facilities	32	16	9	5	1
Private Hospitals	7	7	1	1	0
Other	9	0	8	2	1
TOTAL	76	43	19	16	2

* “Vulnerable Populations” are those types of businesses as defined in Standard 3.3.1 and are required to be audited.

2C. Food Inspections

All food businesses in South Australia are required to comply with the Food Act, Regulations and Food Safety Standards. Please complete the following table with respect to your Council; however EXCLUDE businesses that service “Vulnerable Populations” which were reported in section 2B of this report. If there are any businesses in the council which have the old risk classification (high, medium, low) and not yet classified as per new risk classification(P1,P2,P3,P4) data should be supplied under ‘Not Risk Classified’ business category.

Businesses Inspections Information as per New Risk Classification				
Risk Classification	Number of Businesses	Routine Inspections Conducted	Follow up Inspections	No. of Inspection resulting from complaints
P1 (please exclude businesses that service “Vulnerable Populations”)	566	391	432	75
P2	348	232	132	26
P3	79	51	12	3
P4	192	0	0	0
Not Risk Classified	0	0	0	0
Total	1185	674	576	104

3. Food Inspection and Audit Fees**3A. Food Inspection/Audit Fee Policy**

Does your council have an inspection/audit fee policy?

Yes

If yes, please attach a copy of the policy (or provide the web link) upon submission of your councils Food Act Report.

3B. Food Audit fees

Councils are able to charge for audits conducted by Authorised Officers.

Does your council conduct Food Audits?

Yes

If you answered NO to the above question go to Q3C.

Does your council charge fees for conducting Food Audits?

Yes

If you answered NO to the above question go to Q3C.

Please advise the fees currently charged by your council for auditing purposes and clearly specify whether this is an hourly rate or flat fee structure.

Audit Type/parameters	Audit Charge (\$)/unit* (if no fees are charged please write N/A)
Desktop Audit (offsite)	\$80.00/hr
Routine Audit (onsite)	\$180.00/hr
Follow up Audit	\$180.00/hr
Travel Cost	\$86.00/hr
Other _____	Audit Preparation /Administration \$60.00/hr conducted on-site during audit \$180.00/hr Community/Charitable - 20% discount
If there is a cap on the maximum cost of an audit? Please advise.	No

Unit* - please specify in your response, for example "per audit" OR "per hour"

3C. Food Inspection fees

Councils are able to charge for inspections conducted by Authorised Officers.

Does your council charge fees for conducting food premises inspections?

Yes

If you answered NO to the above question go to Q4.

Please advise the fees currently charged by your council for inspection purposes.

Inspection Type	Inspection Charge (\$)/unit* (if no fees are charged please write N/A)
Routine Inspection	Small (< 20FTE) \$84.00 In any other case (>20FTE) \$210.00
Follow up Inspection	N/A Fee applicable if second f/up insepction is required.
Complaint Inspection	N/A
Home Activity Inspection	\$84.00
Other _____	N/A

Unit* - please specify in your response, for example "per audit" OR "per hour"

4. Food Act Enforcement**4A. Food Act Enforcement Policy**

Does your council have enforcement policy? If yes, please attach a copy of the policy upon submission of your councils Food Act Report.

Yes

4B.1 Enforcement Activities

Please complete the following table indicating the enforcement activities undertaken by your councils during financial year 2015-2016. It is recommended that all councils should provide the data in Table 4B.1, however if a council is unable to supply data in this form, there is a provision to supply data in old format in Table 4B.2 for this year provided there is no duplication of data between Table 4B.1 & 4B.2. From next year onwards, the old format will not be applicable and all councils will be required to supply the information as per Table 4B.1 only.

Table 4B.1

Business Sector	Risk Level	No. of Business	No. of business Inspected (inc routine, follow-up and fit out inspections)	No. of business requiring enforcement action	No. of written warnings issued	No. of improvement notices issued	No. of prohibition orders issued	No. of expiations issued		No. of prosecutions	% Compliance - Inspected Businesses
								Body Corporate	Natural person		
Retailer											
Alcoholic beverages packaged	P4	0	0	0							#DIV/0!
Bakery products	P3	0	0	0							#DIV/0!
Bakery products Perishable fillings	P2	11	8	3	1	2			1		63%
Continental Type Delicatessen food	P2	8	5	1		1					80%
High risk food - perishable	P2	76	65	8	1	6			1		88%
Low risk packaged food	P4	193	0	0							#DIV/0!
Medium risk food - perishable	P3	20	14	0							100%
Raw Meat & Poultry	P2										#DIV/0!
Seafood(excludes Processing of Bivalve mollusc)	P2										#DIV/0!
Others- see comments	P1										#DIV/0!
Others- see comments	P2										#DIV/0!
Others- see comments	P3										#DIV/0!
Others- see comments	P4										#DIV/0!
Comments:											
Food Service											
Catering offsite activity	P1	14	7	0							100%
Catering onsite	P1	103	64	2		3					97%
Medium risk foods perishable	P3	6	3	0							100%
Restaurants and takeaway RTE Food -Prepared in advance	P1	424	323	54	12	60	2	6	4		83%
Restaurants and Takeaway food RTE food - Express order	P2	171	115	1	0	1					99%
Restaurants and takeaway RTE Food-no raw preparation	P2	91	82	9	2	8					89%
Others- see comments	P1										#DIV/0!
Others- see comments	P2										#DIV/0!
Others- see comments	P3										#DIV/0!
Others- see comments	P4										#DIV/0!
Comments:											
Food Transporter											
Bulk flour storage distributor	P3	0	0	0							#DIV/0!
Bulk milk collection distributor	P2	1	1	0							100%
Dairy produce distributor	P3	1	1	0							100%
Dry goods and beverages distributor	P4	1	0	0							#DIV/0!
Frozen food distributor	P3	0	0	0							#DIV/0!
Fruit and vegetables distributor	P3	0	0	0							#DIV/0!
Perishable ready to eat, packaged, medium risk food distributor	P3	1	1	0							100%
Perishable, ready to eat, packaged, high risk food distributor	P2	7	1	0							100%
Processed meat distributor	P2	0	0	0							#DIV/0!
Seafood distributor	P2	0	0	0							#DIV/0!
Others- see comments	P1										#DIV/0!
Others- see comments	P2										#DIV/0!
Others- see comments	P3										#DIV/0!
Others- see comments	P4										#DIV/0!
Comments:											

Business Sector	Risk Level	No. of Business	No. of business Inspected (inc routine, follow-up and fit out inspections)	No. of business requiring enforcement action	No. of written warnings issued	No. of improvement notices issued	No. of prohibition orders issued	No. of expiations issued		No. of prosecutions	% Compliance - Inspected Businesses	
								Body Corporate	Natural person			
Processor/ Manufacturer												
Bakery products Perishable fillings processing	P1	0	0	0							#DIV/0!	
Baby Food processing	P2	0	0	0							#DIV/0!	
Beverage processing	P3	6	6	0							100%	
Canned food processing	P2	0	0	0							#DIV/0!	
Canned food processing very small producer & high acid food	P3	0	0	0							#DIV/0!	
Chocolate processing	P2	0	0	0							#DIV/0!	
Chocolate processing small producer	P3	1	0	0							#DIV/0!	
Cereal processing	P3	38	23	0							100%	
Confectionary processing	P3	7	7	0							100%	
Cook-Chill food Short shelf-life processing	P2	2	1	0							100%	
Cook-chill food extended shelf life processing;	P2	1	0	0							#DIV/0!	
Cook-frozen food processing	P2	1	1	1		2	1	1			0%	
Dairy processing (not including soft cheese)	P2	6	3	0							100%	
Dairy processing - Soft cheese processing	P1	0	0	0							#DIV/0!	
Egg Processing	P2	0	0	0							#DIV/0!	
Fruit and Vegetables processing	P1	2	0	0							#DIV/0!	
Fruit and vegetable processing frozen	P2	0	0	0							#DIV/0!	
Fruit and vegetable processing frozen Blanch/small producer	P3	0	0	0							#DIV/0!	
Fruit and vegetable Juice Unpasteurises processing	P1	0	1	1		3		1			0%	
Fruit juice, Pasteurisation processing, Shelf stable processing	P2	1	0	0							#DIV/0!	
Fruit and vegetable processing Frozen Blanch /Small producer	P3	0	0	0							#DIV/0!	
Infant formula product processing	P1	0	0	0							#DIV/0!	
Meat Processing, Abattoir/ Boning Room	P2	0	0	0							#DIV/0!	
Processing	P1	1	0	0							#DIV/0!	
Oils and fats processing	P3	0	0	0							#DIV/0!	
Peanut Butter processing	P2	0	0	0							#DIV/0!	
Peanut Butter processing Small Producer	P2	0	0	0							#DIV/0!	
Poultry processing	P1	0	0	0							#DIV/0!	
Prepared not ready to eat food processing	P2	1	0	0							#DIV/0!	
Prepared ready to eat food processing	P1	49	18	3	1	7					83%	
Seafood processing	P2	5	3	0							100%	
Seafood processing RTE and shelf stable	P2	1	1	0							100%	
Seafood processing -Mollusc processing	P1	0	0	0							#DIV/0!	
Snack chips processing	P3	0	0	0							#DIV/0!	
Spices and dried herbs processing	P2	1	0	0							#DIV/0!	
Spices and dried herbs processing small producer	P3	0	0	0							#DIV/0!	
Sprout processing	P1	0	0	0							#DIV/0!	
Sushi processing	P1	1	0	0							#DIV/0!	
Vegetables in oil processing	P1	3	0	0							#DIV/0!	
Others - Coffee Roasting	P1	2	0	0							#DIV/0!	
Others- see comments	P2										#DIV/0!	
Others- see comments	P3										#DIV/0!	
Others- see comments	P4										#DIV/0!	
Comments:												
Total		0	1257	754	83	17	93	3	10	4	0	0.8899

Table 4C.

Reason for enforcement activity	Written warnings	Improvement notices	Prohibition Orders	Expiations	Prosecutions
Standard 3.2.1 (Food Safety Program)					
FSP not prepared, implemented, maintained and monitored	0	0	0	0	0
FSP not audited at the frequency determined by the auditor	0	0	0	0	0
FSP not revised so as to comply with the regulations	0	0	0	0	0
FSP audit report not retained by business for four years	0	0	0	0	0

5. Food related complaints**5A. Food Complaints**

Please complete the following table indicating the complaints received and actioned by your councils during financial year 2015-2016.

Type	Total No. received	No. Justified/ Confirmed	% Overall Justified	Comment
Food unsuitable/unsafe due to foreign matter	12	3	25.00%	All complaints investigated. Justified complaints related to cockroaches, larvae and metal fragments from cleaning sponge found in food. One complaint resulted in a warning letter.
Food unsuitable/unsafe due to microbial contamination / growth	7	3	42.86%	All complaints investigated. Two justified complaints related to mould and one complaint to high Bacillus Cerus and SPC found in salads as a result of routine sampling from SA Health. Improvement notices were issued.
Food unsuitable/unsafe due to presence unapproved or excessive chemical residues	2	2	100.00%	Complaints were investigated. Potential chemical contamination of unsupervised 'tastings' of juices and non-food grade labels placed inside bags of food. All non-conformances actioned.
Alleged food poisoning	24	6	25.00%	Inspections of premises undertaken where required. One Improvement Notice issued. No sufficient evidence to justify food poisoning was caused by the food business. One case involved 13 ill persons including 3 hospitalisations. No stool samples obtained and unable to determine the cause or source.
Unclean premises	10	7	70.00%	Complaint inspections conducted. Two businesses received improvement notices.
Poor personal hygiene or poor food handling practices	20	7	35.00%	Complaint Inspections Conducted. Complaints generally related to unsafe storage of PHF and soiled cleaning equipment. Two complaints related to the cooking and storing of food in an outdoor location, resulting in Improvement Notices being issued.
Vermin / insects / pests observed in premises	5	3	60.00%	Complaint inspections conducted. Prohibition Order issued to one business as a result of a serious cockroach infestation. Two of the complaints received related to this business. In most cases pest activity is identified businesses required to engage a professional pest controller and maintain existing insect control units on site.
Refuse storage	11	7	63.64%	Inspections and verbal advice provided. Letters sent to multiple business in shared refuse storage areas. Follow up inspections conducted to confirm compliance. No legal action taken.
Labelling Issues	5	1	20.00%	Complaint forwarded to SA Health for further investigation. Improvement Notice issued for general non-compliances observed during the complaint inspection.
Other (please state)	2	1	50.00%	Assisted animal in food business.
TOTAL	98	40	40.82%	

6. Proactive projects, surveys and sampling programs

Food Safety Week

In supporting Food Safety Week, EHA set up an information stand at the Prospect Farmers Markets. EHO's prepared a quiz about myths and facts on food safety. Visitors at the market were quizzed and in return they were provided with food safety information and promotional material. Officers also approached food stalls and spent some time answering questions and promoting safe food practices. The Food Safety Week initiative was well received by visitors and stall holders. The visitors were interactive seeking advice and clarification of food safety practices within their own home.

Introduction of hand held electronic tablets

EHA introduced the use of hand held electronic tablets during routine food and follow-ups inspections with access to Open Office electronic database 'Health Manager'. Food inspection reports are automatically generated from the tablets and sent electronically to the food businesses. The introduction of the tablets allows for consistent and improved quality reports to be provided, along with inspection and administration efficiencies and improved reporting capabilities. Efficiencies include automatically saving inspection reports into EHA's records management database, and non-conformances can be automatically populated into letter and notice template. During 2016-17 EHA will continue to expand the tablets functionality.

6.6 REVIEW OF THE FOOD BUSINESS INSPECTION FEE POLICY

Author: Nadia Conci
Ref: AF11/68

Summary

A review of the Food Business Inspection Fee Policy has been undertaken and a revised policy is provided to the Board of Management for adoption.

Report

The *Food Regulations 2002* enable enforcement agencies to impose a fee for the inspection of premises or vehicles required in connection with enforcement of the *Food Act 2001*.

On 30 June 2016 SA Health advised that the prescribed fees have increased to consider CPI, effective from the date of notification. Under the Regulations, the maximum fee for inspection is prescribed:

- for a **small business** - \$85.50 per inspection
- in **any other case** - \$214.00 per inspection

A review of the Policy took place in June this year. No additional alterations to the wording of the policy were required during this review. Only the amendments to the prescribed fees are considered necessary.

A copy of the revised Food Business Inspection Fee Policy is provided as attachment 1 for the Board's endorsement.

RECOMMENDATION

That:

1. The report regarding the review of the Food Business Inspection Fee Policy is received.
2. The Policy entitled Food Business Inspection Fee Policy, marked attachment 1 to this report, is adopted.



FOOD BUSINESS INSPECTION FEE POLICY

Policy Reference	EHA POL 4:2014
Date of Adoption	12 February 2003
Minutes Reference	
Review Date	30 June 2016
Next Review Date	June 2017
Relevant Document Reference	Memorandum of Understanding between The Minister for Health and Local Government Association (February 2009) Guidelines prepared by LGA for Councils - Inspection Fees, <i>Food Act 2001</i>

1. Purpose

The Food Business Inspection Fee Policy (Policy) outlines the circumstances that fees are applied for the inspection of food businesses as provided by Regulation 11 of the *Food Regulations 2002*.

To specify the rate at which inspection fees are charged.

2. Scope

This Policy applies to food businesses that are subject to inspection by authorised officers appointed by the Eastern Health Authority (EHA), an enforcement agency under the *Food Act 2001*.

3. Definitions

'Community or charitable organisation' - any group, club or organisation that provides a community benefit and not for the personal financial gain of an individual person or group of people. Examples include Rotary, Lions, church groups, community sporting clubs and scouting groups.

(To determine if an organisation fit this category, an Australian Taxation Office certificate of 'Endorsement as a Tax Concession Charity' may be requested.)

South Australian Food Business Risk Classification (FBRC)

- ‘**Priority 1 (P1)**’ and ‘**Priority 2 (P2)**’ – businesses that characteristically handle foods that support the growth of pathogenic micro-organisms and where such pathogens are present or could be present. The handling of food will involve at least one step at which control actions must be implemented to ensure safety of the food. P1 businesses are further characterised by known risk-increasing factors, such as potential for inadequate / incorrect temperature control. Due to the high risk nature of the foods and their practices regular and lengthy inspections are required.
- ‘**Priority 3 (P3)**’ – Businesses that will characteristically handle only ‘low risk’ or ‘medium risk’ foods and will warrant an inspection.
- ‘**Priority 4 (P4)**’ - businesses that will normally handle only ‘low risk’ foods, because they handle pre-packaged low risk food, and hence will not warrant regular or lengthy inspections. Examples include pharmacies, video stores and newsagents.

‘Re-inspection’ – an inspection carried out as a result of non-compliance that has been identified with the *Food Act 2001* or Food Safety Standards.

‘Routine Inspection’ - an inspection conducted at a scheduled frequency determined by the business’ priority classification and performance history utilising Environmental Health Australia’s Food Safety Standard of Practice and Australian Food Safety Assessment tool.

‘Small Business’ - a food business employing not more than 20 full-time equivalent food handling staff.

4. Principles

Regulation 11 of the *Food Regulations 2002* provides for EHA as an enforcement agency to charge an inspection fee for the carrying out of any inspection that is required in connection with the operation or administration of the *Food Act 2001*.

Under the Regulations, the maximum fee for inspection is prescribed:

- for a **small business** –\$85.50 per inspection
- in **any other case** - \$214.00 per inspection.

Food safety inspection fees are listed under division 81 of the GST Act for exemption, and as a result GST will not apply to inspection fees set by EHA.

The Minister for Health, Department of Health (DH) and Local Government administer and enforce the *Food Act 2001*, with some functions exercised jointly and others exclusively performed by one authority or the other. The Memorandum of Understanding between the Minister for Health and Local Government Association of SA, adopted in

February 2009, clarifies the allocation of responsibility for enforcement of specific areas of the Act.

EHA is responsible for ensuring compliance with Chapter 3 of the Food Standards Code (Food Safety Standards) and the safety and suitability of food sold. This is achieved by performing inspections of food businesses based on a priority classification system developed by Food Standards Australia New Zealand (FSANZ).

The priority categories of high, medium and low risk are determined by the type of food, activity of the business, method of processing and customer base. SA Health has developed the South Australian Food Business Risk Classification (FBRC) using the national food safety risk profiling framework that allocates food businesses into risk classifications, based on their likelihood of contributing to foodborne disease and the potential magnitude of that contribution.

The FBRC took effect from 1 July 2014. From this date EHA utilises SA FBRC system to determine the priority classifications and inspection frequencies for food businesses in accordance with the table below:

Classification	Frequencies (every x months)		
	Starting point (new business owners)	Maximum	Minimum
Priority 1 (P1) – Highest risk	6	3	12
Priority 2 (P2)	12	6	18
Priority 3 (P3)	18	12	24
Priority 4 (P4) – Lowest risk	Inspect on complaint or change to risk profile only	Inspect on complaint or change to risk profile only	

4.1 Routine Inspection

An inspection fee will apply to **routine inspections** of food premises.

A six month inspection frequency is applied to new P1 businesses within their first year of operation. Fees apply to these routine inspections.

4.2 Complaint Inspection

An inspection fee will not be imposed for an inspection carried out in response to food safety related complaints received from the public.

4.3 Re-inspection

An inspection fee will apply when more than one re-inspection is required in relation to a non-conformance which has not been adequately rectified within the agreed timeframe.

4.4 Inspection of Festivals, Fêtes and Markets

An appropriate inspection fee will be negotiated with the organising body/host of non council events. Such a fee will be applied in lieu of inspection fees for individual stall-holders. The negotiated fee will reflect the cost of the inspections but will not exceed the maximum fee chargeable multiplied by the number of stall-holders.

4.5 Inspection of Businesses with Food Safety Programs

An inspection will apply for food businesses that have formal audited food safety programs in place.

4.6 Exemptions

4.6.1 Community and Charitable Organisations

Inspection fees will not be imposed upon community and charitable organisations.

4.6.2 Schools and Educational Institutions

Inspection fees will not be imposed for inspections of the canteen or out of school hours care service (OSHC) in schools and educational institutions unless the operator of the canteen / OSHC operates the service as a commercial concern for profit.

4.6.3 Nominal Risk Businesses

Inspection fees will not be imposed upon nominal P4 risk businesses.

4.6.4 Mobile Food Vans

Inspection fees will not be imposed upon mobile food vans that can display evidence of having completed notification with an alternate local council.

4.7 Cost of Inspection Fees

Inspection fees will be charged at the following rate:

Small business - \$85.50 excl GST
In any other case - \$214.00 excl GST

5. Review of the Food Inspection Fee Policy

Every 24 months or as needed.

6. Statement of Adoption

This Policy was adopted by the Board of the Eastern Health Authority on 26 August 2014.

6.7 COMPLAINTS HANDLING POLICY

Author: Michael Livori
Ref: AF11/68

Summary

Eastern Health Authority (EHA) is committed to the provision of quality service to customers and regards complaints as an opportunity to improve practices and procedures as well as resolve the matter.

EHA has developed a Complaints Handling Policy to provide a fair, consistent and structured process for EHA customers if they are dissatisfied with EHA's actions, decisions or services. Lessons learnt from complaint investigations will be used to directly inform service improvements.

Report

The Complaints Handling Policy (the Policy) allows for a fair, consistent and structured process for EHA customers if they are dissatisfied with EHA's actions, decisions.

The Policy provides guidance to EHA's Board of Management, EHA Staff and the community on distinguishing between request, complaints and feedback and encourages general complaints to be resolved as quickly as possible. It provides information in relation to internal reviews, complex complaints and alternative external authorities customers may access in relation to complaints regarding EHA.

A draft policy was first presented to the Audit Committee at its meeting held on 25 May 2016. As agreed at the meeting of 25 May 2016 advice was sought in relation to the applicability of Section 270 (Procedures for review of decisions and requests for services) of the Local Government Act 1999 to a Regional Subsidiary such as EHA. The full advice is provided as attachment 1.

A summary of the advice is provided below.

"There is no requirement for EHA to develop policies, practices and procedures under Section 270 of the Act. However, as EHA does act on behalf of its constituent councils, its actions (as well as those of EHA staff) could be the subject of a complaint under Section 270 of the Act and its decisions (and decisions of EHA staff) could be the subject of an application for a review of its decisions under Section 270 of the Act".

"In the event that a person did wish to make such a complaint or application, then he or she would need to make that complaint or application to the relevant constituent council. The relevant constituent council would be the constituent council that EHA's action or decision related to".

"Whilst EHA is not required to, it may adopt a policy, practice or procedure under Section 270 of the Act. However, the Act requires the

constituent councils to adopt a policy, practice or procedure under Section 270 for complaints about and reviews of decisions of EHA (as a body acting on behalf of the constituent councils). In circumstances where EHA is not acting on behalf of a constituent council, for example when it acts as an enforcement agency under the Food Act 2001, then any complaint or application for review of a decision in those circumstances would need to be made to EHA and dealt with in accordance with any policy or procedure adopted by EHA".

The EHA Audit Committee considered the advice and updated content of the draft Complaints Handling Policy at its meeting held on 17 August 2016.

In light of the advice received it is recommended that EHA adopts a Complaints Handling Policy for EHA customers if they are dissatisfied with EHA's actions, decisions or services.

Matters that may be subject to a formal Section 270 review process will be dealt with by the respective Constituent Council with assistance from EHA.

Section 6.2 of the Complaints Handling Policy titled Complex Complaints which was previously presented to the committee was amended to include a Section 270 Review as an example of a complaint that may be subject to an alternative process.

At the Audit Committee meeting held on 17 August 2016:

Claudia Goldsmith moved:

That:

1. The report regarding the Complaints Handling Policy is noted.
2. The Complaints Handling Policy as amended is endorsed and presented to the Board of Management for adoption.

The Complaints Handling Policy is now provided as attachment 1 to this report for consideration and adoption by the Board of Management.

Seconded by: Cr Talis Evans

CARRIED UNANIMOUSLY

6: 082016

RECOMMENDATION

That:

1. The Complaints Handling Policy report is received.
2. The Complaints Handling Policy marked attachment 1 to the Complaints Handling Policy Report dated 31 August 2016 is adopted.

Complaints Handling Policy

Complaints Handling Policy

Policy Reference	GOV11
Date of Initial Board Adoption	
Minutes Reference	
Date of Audit Committee Endorsement (if applicable)	
Date last reviewed by Eastern Health Authority Board of Management	
Relevant Document Reference	<ul style="list-style-type: none"> - EHA Whistleblowers Protection Policy D14/10620[v3] - EHA Employee Code of Conduct D14/5685[v2] - Code of Conduct for Board Members D12/1640[v3] - Customer Service Policy D14/1003
Applicable Legislation	

1. Introduction

Eastern Health Authority (EHA) is committed to the provision of quality service to customers and regards complaints as an opportunity to improve practices and procedures as well as resolve the matter.

Emphasis will be placed on resolving complaints as quickly as possible. However where complaints cannot be settled in the first instance EHA will ensure that they are dealt with through appropriate, more formal procedures by staff with the authority to make decisions.

2. Purpose

The purpose of the Complaints Handling Policy (the Policy) is to provide a fair, consistent and structured process for EHA customers if they are dissatisfied with EHA's actions, decisions or services. Lessons learnt from complaint investigations will be used to directly inform service improvements.

Complaints Handling Policy

This Policy also aims to provide guidance to the EHA Board of Management, EHA and Constituent Council Staff and the Community on:

- Distinguishing between requests, complaints and feedback to EHA and giving direction on management of these issues
- How EHA assesses and processes requests and complaints including the collation of information which can be used to directly inform service improvements

3. Scope

This Policy applies to complaints received from customers regarding EHA's operations or service delivery by employees, contractors and volunteers.

This Policy does not apply to:

- Complaints regarding EHA's Board of Management: these will be dealt with in accordance with the Code of Conduct for EHA Board Members – Dealing with Complaints Procedure.
- Requests for a review of EHA decision will be dealt with under the Internal Review of EHA Decisions Procedure.
- Matters covered by the *Whistleblowers Protection Act 1993*: these will be dealt with in accordance with the EHA's Whistleblowers Protection Policy.
- Allegations of criminal activity: these must be referred to the South Australian Police.

4. Definitions

Staff means a person performing work on behalf of EHA, including the Chief Executive Officer (CEO), Team Leaders and staff employed on a full time, part time, casual or contract basis.

Employee means any person performing work on behalf of EHA, either paid or unpaid, including the Chief Executive Officer (CEO), Team Leaders and staff employed on a full time, part time, casual or contract basis, work experience students, agents, consultants and contractors employed by EHA.

Business Day means a day when the EHA is normally open for business; that is Monday to Friday between 9:00am and 5.00pm, excluding public holidays and the period between Christmas and New Year's Day when the EHA office is closed.

Definition of a Complaint for the purposes of this policy, a complaint is defined as:

'An expression of dissatisfaction with a product or service delivered by EHA or its representatives that have failed to reach the standard stated, implied or expected. This includes complaints about a service that has been, or should have been delivered.'

Feedback can take the form of comments, both positive and negative, about services provided by EHA without necessarily forming the basis of a request for service or general complaint. EHA welcomes feedback of all types as an important way of continually monitoring its service standards.

Complaints Handling Policy

Request for Service is an application to have EHA or its representative, take some form of action to provide or improve EHA's service.

EHA Board of Management comprises of two elected members from each Constituent Council. The Board is responsible for ensuring EHA acts in accordance with its Charter established under the *Local Government Act 1999*.

EHA Constituent Councils - City of Burnside, Campbelltown City Council, the City of Norwood Payneham St Peters, the City of Prospect and The Corporation of the Town of Walkerville.

5. Principles

EHA acknowledges that treating customers fairly requires impartiality, confidentiality and transparency at all stages of the process.

- EHA will promote to its customers the methods by which they can request services and make general complaints.
- EHA is committed to providing sufficient resources and well trained staff to manage service and complaint matters, and to review its systems for opportunities for improvement
- Customer requests and complaints will be dealt with in accordance with this Policy in a timely manner that takes into account a response that is considerate of the matter's complexities, and takes up opportunities for improvement across the organisation where appropriate.
- In processing requests for service emphasis will be placed on:
 - Public safety and emergencies
 - Fulfilling EHA's Business Plan
 - Using EHA resources effectively

6. Policy

6.1 General Complaints Handling

6.1.1 Making a complaint

EHA welcomes complaints as a way of improving its services and programs as well as providing an opportunity to put things right.

This policy will be made widely accessible to ensure that customers are fully aware of their right to complain. Information about how to lodge a complaint will be placed in a prominent position on EHA's website.

Except for minor level 1 responses, (See 6.1.5 Procedures for resolving complaints) EHA will try to ensure that, whenever possible, complaints will be

Complaints Handling Policy

handled independently of the original decision-maker or officer involved in the matter that is the subject of the complaint.

A person can make a complaint in a number of ways:

- Complete the appropriate form on EHA's website www.eha.sa.gov.au
- Telephone - 8132 3600
- Fax – 8132 3623
- Email – eha@eha.sa.gov.au
- Letter - PO Box 275, Stepney SA 5069
- Visit EHA:
101 Payneham Road
St Peters SA 5069
Mon - Fri 9:00am – 5:00pm

6.1.2 Processing a complaint

EHA's response to general complaints received will be managed in accordance with the General Complaint Handling Procedure. This ensures that, whenever possible, complaints are handled independently of the original decision-maker or staff member involved in the matter that is the subject of the complaint.

Staff will be trained to manage complaints efficiently and effectively, and provided with a level of delegated authority appropriate for the nature of complaints they are expected to resolve.

Staff will record all general complaints received in EHA's records management system in such a way that the information can be utilised to respond to the complaint and analyse complaints by category for service improvement opportunities.

6.1.3 Steps to resolving a complaint

The following steps will be followed by staff to ensure complaints are dealt with efficiently and effectively:

- Acknowledge complaints promptly
- Assess the complaint
- Plan the investigation where one is warranted
- Investigate the complaint
- Respond to the complainant with a clear decision
- Follow up any customer service concerns
- Consider whether there are systemic issues which need correction.

6.1.4 Timeframes for response

Upon receiving a general complaint, EHA will respond within **[10] business days**, acknowledging receipt of the complaint and, where possible, resolving it at that time. Where a complaint cannot be resolved immediately the complainant will be advised of the process to be undertaken, the likely timeframe required to investigate and resolve the matter, and regularly updated by email / letter as to progress that is being made to resolve the complaint (as per General Complaint Handling Procedure).

6.1.5 Procedures for resolving complaints

Complaints may vary greatly in their level of complexity and seriousness. Wherever possible complaints will be resolved when first reported, but if necessary officers will escalate complaint handling as set out below.

The complaints procedure consists of a three tiered scheme.

1. Immediate response to resolve the complaint - All staff are empowered to handle complaints in the first instance and it is preferable that they are dealt with promptly at the initial point of contact and at the appropriate officer level.
2. Complaint escalated to a more senior officer - A complaint will be directed to the appropriate Team Leader in EHA, where circumstances indicate that the complaint would be more appropriately handled at a higher level. The Team Leader will assess the complaint and determine if it is appropriate to handle the complaint or direct the matter to the CEO. This may occur, for example, where an officer has been involved in the matter that is the subject of the complaint, where the complaint is about an issue that requires a decision to be made at a more senior level.
3. Internal review of a EHA decision (see EHA's Internal Review of a EHA Decision Policy and Procedure). This is a process established that enables EHA to reconsider all the evidence relied on to make a decision, including new evidence if relevant. This process is generally a last resort in the complaint handling process, but may also be used in situations which are not able to be resolved by other means, such as a complaint about a decision of the CEO.

EHA's detailed Complaints Procedure is available to the public. See Further Information

6.2 Complex complaints

In some instances, an alternative complaint handling process must be used due to legislative restrictions. In these instances, EHA will advise the complainant of the alternative process requirements, and assist them to seek resolution of their concerns. Examples of alternative complaint handling processes include:

- Code of Conduct complaints about EHA Board of Management members or Employees
- Freedom of Information applications
- Internal review of a decision made by EHA on behalf of a Constituent Council is available under Section 270 of the *Local Government Act 1999*. This is a process established by legislation that enables a Council to reconsider all the evidence relied on to make a decision, including new evidence is relevant.
- Decisions made under legislation other than the *Local Government Act*, such as the *Food Act 2001*, *SA Public Health Act 2011*, *SRF Act 1992*, *the Housing Improvement Act 1940* or *Expiation of Offences Act 1996*.

On occasion, it may be appropriate to consider mediation, conciliation or neutral evaluation. Costs and expenses of the appointment and work of a mediator, conciliator or evaluator will be shared equally between EHA and the other party.

6.2.1 Complainant rights to external review

While EHA prefers to work with its customers to resolve complaints quickly and effectively, a complainant will always retain the right to seek other forms of resolution, such as contacting the Ombudsman, or taking legal action at any time.

Note: As a general rule, the Ombudsman prefers a complaint to be addressed by EHA in the first instance, unless this is not appropriate in the circumstances.

6.2.2 Unreasonable complainant conduct

All complaints received by EHA will be treated seriously and complainants will be treated courteously. However, occasionally the conduct of a complainant can be unreasonable. This may take the form of unreasonable persistence, unreasonable demands, lack of cooperation, argumentative or threatening behaviour. What can be termed 'unreasonable' will vary depending on a number of factors and EHA aims to manage these situations in a fair and equitable manner.

Where a complainant's behaviour consumes an unwarranted amount of EHA resources or impedes the investigation of their complaint, a decision may be made to apply restrictions on contact with the person. Before making any decision to restrict contact, the complainant will be warned that, if the specified behaviour(s) or actions continue, restrictions may be applied.

Complaints Handling Policy

Any decision to suspend action on a complaint will be made by the CEO or their delegate and communicated in writing to the complainant.

6.2.3 Using complaints to improve service

Quality of service is an important measure of EHA's effectiveness. Learning from complaints is a powerful way of helping to develop EHA and increase trust among the people who use our services.

In addition to making changes to procedures and practices where appropriate, EHA will review and evaluate the information gained through its complaints handling procedure on an annual basis to identify systemic issues and improvements to service. Where appropriate, complainants will be provided with an explanation of changes proposed or made as a result of the investigation of their complaint.

6.2.4 Privacy and confidentiality

Complainants have a right to expect that their complaint will be investigated in private, to the extent possible. The identity of complainants will be made known only to those who need to know in the process of investigating and resolving the complaint. The complaint will not be revealed or made public by EHA, except where required by law.

Note: All complaints lodged with EHA are subject to the *Freedom of Information Act, 1991* and confidentiality cannot be guaranteed under the provisions of that legislation.

6.2.5 Remedies

Where complaints are found to be justified EHA will, where practicable, remedy the situation in a manner which is consistent and fair for both EHA and the complainant. The solution chosen will be proportionate and appropriate to the circumstances.

As a general principle the complainant should so far as possible, be put in the position he or she would have been in, had things not gone wrong. This may mean providing the desired service or changing a decision. Sometimes, however, it may only be possible to offer an apology.

6.2.6 Alternative remedies

EHA may seek to use alternative dispute resolution methods such as mediation to resolve a complaint in circumstances where the CEO or their delegate deems such a course of action appropriate and the complainant is amenable to that process.

When advising a complainant of the outcome of an investigation of a complaint, EHA will provide information about alternative remedies, including any rights of appeal and the right to make a complaint to an external agency such as the SA Ombudsman.

7. Review and evaluation

This policy will be reviewed at least once every two years. However, EHA may revise or review this Policy at any time (but not so as to affect any process that has already commenced). The CEO will report to EHA Board of Management on the outcome of the review and make recommendations for amendment, alteration or a substitution of a new Policy if considered necessary.

8. Documentation

To assist in demonstrating that Complaint Handling processes are fair, transparent and accountable, cost effective and meet community needs, EHA will document all complaints received, the process undertaken to resolve the complaint and the outcome of the complaint.

9. Further Information

This policy will be available for inspection at EHA offices during normal business hours and available from EHA's website www.eha.sa.gov.au.

10. Statement of Adoption

The Policy was adopted by the Board of Eastern Health Authority on xxxx.

6.8 SAFE ENVIRONMENT POLICY REVIEW

Author: Michael Livori
Ref: AF11/68 & AF13/67

Summary

Following a review of the Safe Environment Policy by Eastern Health Authority (EHA) a revised policy is provided to the Board of Management for consideration and adoption. The policy was reviewed as a result of recent changes to the Children's Protection Act 1993. Updated guidelines were also released by the Local Government Association of South Australia titled 'Child Safe Environment Guidelines – A Framework for Local Government in South Australia'.

This report seeks the Board's endorsement of the revised policy.

Report

Changes to the Children's Protection Act 1993 have seen the introduction of extra requirements with regard to anyone running programs for or working directly with children.

The policy aims to ensure EHA's facilities are safe environments and staff conduct is such that children, young people and other vulnerable people are protected from abuse and neglect. The policy ensures that EHA complies with the legislation and fulfils its obligations under the Children's Protection Act.

The current policy has been reviewed and a number of changes are recommended as detailed below:

- minor grammatical changes
- minor change to Section 1 Purpose
- 'Relevant Document Reference' section updated
- addition in Section 3 of definitions for Abuse and DCSI
- update to Section 4 of principles to the policy
- update to Section 5 and expand the section relating to the role that EHA has in creating a safe environment and what EHA commits to doing to protect children, young and vulnerable people.

A copy of the current Safe Environment Policy with suggested changes to the policy detailed as tracked changes is provided as attachment 1.

A copy of a draft amended Safe Environment Policy with these changes accepted is provided as attachment 2.

RECOMMENDATION

That:

1. The report regarding the Safe Environment Policy Review is received.
2. The Safe Environment Policy marked as attachment 2 to the Safe Environment Policy Review Report dated 31 August 2016 is adopted.

Safe Environment Policy

1

**SAFE ENVIRONMENT POLICY**

<u>Policy Reference</u>	EHA POL 2:2011GOV03
<u>Date of initial Board Adoption</u>	<u>Date of Adoption</u> 22 June 2011
<u>Minutes Reference</u>	7: 062011
<u>Date of Audit Committee Endorsement (if applicable)</u>	N/A
<u>Date last reviewed by Eastern Health Authority Board of Management</u>	<u>Next Review Date</u> June 2012
<u>Relevant Document Reference</u>	<p>Children's Protection Act 1993 (SA)</p> <p>Children's Protection Regulations 2010</p> <p>Department for Education and Child Development (DECD) SA Department for Families and Communities</p> <ul style="list-style-type: none"> – Child Safe Environments: Principles of Good Practice www.families.sa.gov.au/childsafe Department for Education and Child Development – Guidelines for mandated notifiers and information for organisations Department for Communities and Social Inclusion Screening Unit www.dcsi.sa.gov.au/services/screening SA Department for Families and Communities Child Safe Environments: Dealing with Criminal History Information www.families.sa.gov.au Approved Providers of Australian Government Subsidised Aged Care Services Fact Sheet www.health.gov.au EHA Employee Code of Conduct Current Standard Operating Procedures

1. Purpose

The Safe Environment Policy (the policy) aims to ensure [the Authority](#)[EHA](#)'s facilities are safe environments for children, young people and other vulnerable people and they are protected from abuse and neglect. The policy also aims to ensure that all relevant [Authority](#)[EHA](#) managers and employees are aware of their duty of care responsibilities for the protection, safety and wellbeing of children at all times.

The document [on the Authority](#)[EHA](#)'s [Records Management System](#) is considered to be the current and controlled version. Before using a printed copy, verify that it is the current version

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2. Scope

The policy applies to staff in prescribed positions that have regular contact with or work in close proximity to children, young people and other vulnerable people.

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Safe Environment Policy

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3. Definitions

The Children's Protection Act 1993 states that **child abuse and neglect** (or harm) in relation to a child means

- o Sexual abuse; or
- o Physical or emotional abuse, or neglect to the extent that:
 - The child has suffered, or is likely to suffer, physical or psychological injury detrimental to the child's wellbeing; or
 - The child's physical and psychological development is in jeopardy.

Abuse – refers to all aspects of abuse, that is, neglect, physical, psychological, emotional and sexual.

Children (Child) – means a person under the age of 18.

Criminal History Screening – Criminal history screening involves obtaining information about relevant potential employees on the basis that the information deemed relevant to assessing the suitability of a person to work in a child-related area. The information gathered may include details concerning previous employment and relevant experience; verification of qualifications and professional registration; criminal history information, reference checks and work history reports.

DCSI is the Department for Communities and Social Inclusion.

Harm – in the child protection context is defined as the detrimental impact on the physical, psychological, emotional or social safety, wellbeing and development of a child as a result of the actions or inactions of another person.

Mandated Notifiers – any employee directly involved in the delivery of health, welfare, education and childcare or residential services wholly or partly for children.

Mandatory reporting obligation – means a mandated notifier must report any suspicion of abuse or neglect of a child to **DFC Child Abuse Report Line, the Families SA Child Abuse Report Line, or on-line**.

Prescribed position – is one that requires or involves one or more prescribed functions as follows:

- Regular contact with children or working in close proximity to children where that contact or work is not directly supervised at all times.
- Close Proximity means in reasonable unaided visual sight that is physically being within eyeshot.
- Regular Contact includes multiple instances of contact of limited duration or fewer, extended and intense periods of contact which may be away from children's usual environment.
- Supervision or management of above positions; and
- Access to records of a kind prescribed by regulation relating to children, (including records relating to child protection services, health services, education services, disability services and court orders and proceedings).

Risk management – is identifying and assessing all potential sources of harm and taking steps to decrease the likelihood that harm will occur.

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Safe Environment Policy

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Risk of harm – is the likelihood of inflicting harm to children, either directly or as a consequence of other actions and the severity of that harm.

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Vulnerable people - refers to those who may be at risk of abuse or exploitation due to their dependency on others or experiences of disadvantage, and could include people with a disability, the frail, the aged, people from culturally and linguistically diverse backgrounds, refugees, and those living in poverty.

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4. Principles

The following principles underpin this policy:

- Abuse is abhorrent, illegal and must not be tolerated or ignored
- Children and vulnerable people deserve respect, care and protection of their human rights regardless of special needs, cultural or socioeconomic factors
- Children and vulnerable people should know that they have the right to be safe from abuse at all times
- Children and vulnerable people are entitled to the support of a responsible person if they experience or are at risk of harm
- EHA has a role to play in fostering a safe local environment and in contributing towards the protection of children and vulnerable people from abuse.

5. Policy

The AuthorityEHA is committed to the safety and well being of children, young people and other vulnerable people who access our services and acknowledges that abuse is abhorrent, illegal and must not be tolerated or ignored. We support the rights of the child and vulnerable persons in the community and will act without hesitation to ensure a safe environment is maintained at all times.

We also support the rights and wellbeing of our staff and encourage their active participation in building and maintaining a secure environment for all children, young people and other vulnerable people.

Whilst some factors are outside the control of EHA, it is recognised that EHA has a role to play in fostering a safe environment and contributing to a community effort towards the protection of children, young and vulnerable people.

EHA therefore commits to:

- Increasing awareness within EHA about ensuring a safe environment where children, young and vulnerable people feel safe and are protected from abuse
- Maintaining a rigorous employee recruitment and screening selection process which will include DCSI Child-Related Employment Screening for prescribed positions
- Maintaining a regular check of existing employees in prescribed positions
- Providing ongoing training and support to all those involved in the delivery of EHA's programs and services to ensure they are able to fulfil their duty of care
- Establishing supportive and responsive procedures for fulfilling mandatory reporting obligations and dealing with complaints and issues effectively as they arise

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Safe Environment Policy

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- All staff comply with the EHA Code of Conduct for employees and any matters requiring consultation with other relevant agencies be in cooperation in matters concerning the protection of children, young and vulnerable people from abuse
- Develop and monitor risk management strategies to minimise harm to children, young and other vulnerable people.
- Providing training to develop, enhance and maintain a safe environment
- Develop and maintain internal standard operating procedures to assist in complying with this policy and the relevant legislation.

6. Review & Evaluation**5. Review of the Safe Environment Policy**

Reviewed Annually to ensure compliance with Department for Education and Child Development Families & Communities standards standards and effective maintenance of a safe environment.

7. Statement of Adoption**6. Statement of Adoption**

This Policy was adopted by the Board of the Eastern Health Authority on 22 June 2011.

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SAFE ENVIRONMENT POLICY

Policy Reference	GOV03
Date of initial Board Adoption	22 June 2011
Minutes Reference	7: 062011
Date of Audit Committee Endorsement (if applicable)	N/A
Date last reviewed by Eastern Health Authority Board of Management	June 2011
Relevant Document Reference	Children's Protection Act 1993 Children's Protection Regulations 2010 Department for Education and Child Development – South Australia (DECD) <u>Department for Education and Child Development South Australia</u> Child Safe Environments: Principles of Good Practice Guidelines for mandated notifiers and information for organisations Department for Communities and Social Inclusion Screening Unit <u>www.dcsi.sa.gov.au/services/screening</u> Disability Services Act 1993 Aged Care Act 1997 EHA Employee Code of Conduct Current Standard Operating Procedures South Australia Disability Services Act 1993 South Australia Aged Care Act 1997

1. Purpose

The Safe Environment Policy (the policy) aims to ensure EHA's facilities are safe environments for children, young people and other vulnerable people and they are protected from abuse and neglect. The policy also aims to ensure that all relevant EHA managers and employees are aware of their duty of care responsibilities for the protection, safety and wellbeing of children at all times.

This policy will govern how systems and processes are implemented to minimise the risk of harm resulting from the delivery of EHA's services and programs including employment screening for prescribed positions. It will also assist in the reporting of suspected abuse against children, young and other vulnerable people. The policy also refers to guidance on sharing information with non-government and government agencies where there is a reasonable suspicion of harm.

2. Scope

This policy will apply to employees of EHA and all other employees involved in the delivery of EHA's services and programs to children, young and other vulnerable people.

3. Definitions

The Children's Protection Act 1993 states that **child abuse and neglect** (or harm) in relation to a child means

- Sexual abuse; or
- Physical or emotional abuse, or neglect to the extent that:
 - The child has suffered, or is likely to suffer, physical or psychological injury detrimental to the child's wellbeing; or
 - The child's physical and psychological development is in jeopardy.

Child – means a person under the age of 18.

Criminal History Screening – Criminal history screening involves obtaining information about relevant potential employees on the basis that the information deemed relevant to assessing the suitability of a person to work in a child or vulnerable person-related area. The information gathered may include details concerning previous employment and relevant experience; verification of qualifications and professional registration; criminal history information, reference checks and work history reports.

DCSI - is the Department for Communities and Social Inclusion (DCSI).

Harm – in the child protection context is defined as the detrimental impact on the physical, psychological, emotional or social safety, wellbeing and development of a child as a result of the actions or inactions of another person.

Mandatory Reporting Obligation - Any person providing services to children (employee, volunteer, contractor or consultant) must report any suspicion of abuse or neglect of a child to the Department for Communities and Social Inclusion 24 hour Child Abuse Report Line (13 14 78) or online in appropriate circumstances.

Prescribed Position – Refers to a position that requires or involves prescribed functions which involve any of the following:

- Regular contact with children, young or vulnerable people (including aged care and frail aged) in close proximity (usually within earshot) on a regular basis (multiple working instances of contact of limited duration or fewer, extended and intense periods of contact which may be away from the person's usual environment)
- People who supervise/manage those in positions requiring or involving regular contact with children, young and vulnerable (including aged care and frail aged) or in close proximity to them on a regular basis
- Those who have access to personal records relating to children, young or vulnerable people (including aged care and frail aged)
- Functions of a type prescribed by regulation.

Any employee within a prescribed position will undergo the screening and assessment process prior to commencement and thereafter in accordance with the Relevant History Assessments.

Vulnerable people - refers to those who may be at risk of abuse or exploitation due to their dependency on others or experiences of disadvantage, and could include people with a disability, the frail, the aged, people from culturally and linguistically diverse backgrounds, refugees, and those living in poverty.

4. Principles

The following principles underpin this policy:

- Abuse is abhorrent, illegal and must not be tolerated or ignored
- Children and vulnerable people deserve respect, care and protection
- Children and vulnerable people should know that they have the right to be safe from abuse at all times
- Children and vulnerable people are entitled to the support of a responsible person if they experience, or are at risk of harm or feel unsafe
- EHA has a role to play in fostering a safe local environment and in contributing to a whole of community effort towards the protection of children and vulnerable people from abuse and/or harm.

5. Policy

EHA is committed to the safety and well being of children, young people and other vulnerable people who access our services. We support the rights of the child and vulnerable persons in the community and will act without hesitation to ensure a safe environment is maintained at all times. We also support the rights and wellbeing of our staff and encourage their active participation in building and maintaining a secure environment for all children, young people and other vulnerable people.

EHA commits to:

- Providing a safe environment where children, young and vulnerable people feel safe and protected from abuse
- Encouraging the reporting of any incident of anti-discriminatory behaviour towards young and/or vulnerable persons to the relevant authority
- Maintaining a rigorous employee and volunteer recruitment and/or screening/selection process in accordance with the Criminal History Procedure
- Monitoring and ensuring the renewal of screening for employees in prescribed positions in accordance with the Criminal History Procedure
- Operating in a spirit of cooperation and consultation with other relevant agencies in matters concerning protection of children, young and vulnerable people from harm and abuse
- Developing, monitoring, evaluating and reviewing risk management strategies to minimise harm to children, young and vulnerable people
- Developing and maintaining internal procedures and guidelines that underpin the requirements of the *Children's Protection Act 1993* and *Children's Protection Regulations 2010* to ensure with this policy

To ensure a safe environment for children and other vulnerable people EHA will undertake the following to manage its obligations under the Policy:

- The Safe Environment policy will be communicated to all relevant employees to ensure awareness and understanding of EHA's commitment to ensuring a safe environment.
- EHA will identify and assess potential sources of harm and take steps to decrease the likelihood that harm will occur to children, young people and other vulnerable people who use our services.
- All employees will be required to comply with the code of conduct endorsed by EHA.
- EHA will take reasonable steps to ensure that it engages the most suitable and appropriate people to work with and provide services to children and other vulnerable people. Applicants for prescribed positions will be screened for their suitability to provide services. Screening will involve Department of Communities and Social Inclusion Child-related employment screening, interviews, referee reports, checking qualifications and previous employment history in working with children.
- EHA will ensure that all staff working with children have ongoing support and have completed the appropriate training to enhance and maintain a child safe environment.

EHA will report suspected:

- Child abuse or neglect to the Department for Education and Child Development, Families SA through the Child Abuse Report Line: telephone 24 hours a day, 7 days a week on 13 14 78.
- Abuse of older people to the Abuse Prevention Program (Aged Rights Advocacy Service) on 8232 5377;
- Abuse of people with a mental incapacity to the Office of the Public Advocate on 8342 8200.

6. Review & Evaluation

Reviewed annually to ensure compliance with Department for Education and Child Development standards and effective maintenance of a safe environment.

7. Statement of Adoption

This Policy was adopted by the Board of the Eastern Health Authority on 22 June 2011.

6.9 2015/2016 FINANCIAL YEAR ANNUAL ENVIRONMENTAL HEALTH REPORT

Author: Nadia Conci
Ref: AF16/80

Summary

The purpose of the 2015/2016 Financial Year Annual Environmental Health report is to assist in the review of the *South Australian Public Health Act 2011* (the Act). A report has been prepared on Eastern Health Authority's (EHA) performance under the Act for 2015/2016 and is provided for the Board's endorsement.

Report

The purpose of the 2015/2016 Financial Year Annual Environmental Health report is to assist in the review of the *South Australian Public Health Act 2011* (the Act), and assist the Minister for Health and Ageing and the Chief Public Health Officer and their delegates to perform their functions under the following sections of the Act:

s17(1) The Minister's functions in connection with the administration of this Act include the following (to be performed to such extent as the Minister considers appropriate):

- (a) *to further the objects of this Act by taking action to preserve, protect or promote public health within the State;*
- (b) *to promote proper standards of public and environmental health within the State by ensuring that adequate measures are taken to give effect to the provisions of this Act and to ensure compliance with the Act.*

s21(1) The Chief Public Health Officer's functions are as follows:

- (b) *to ensure that the Act, and any designated health legislation, are complied with;*

s23(1) The Chief Public Health Officer is required to prepare a written report every 2 years about—

- (a) *public health trends, activities and indicators in South Australia*

On 12 July 2016, correspondence was received from SA Health requesting that enforcement agencies provide an annual report in accordance the with the abovementioned sections of the *SA Public Health Act 2011*.

SA Health provided a pro-forma to act as a guide that contains indicators to assist local councils with reporting on the administration of the Act.

A report has been prepared in the required format and is provided as attachment 1. Upon the Board's endorsement of the annual report, a copy will be submitted to the Chief Public Health Officer.

RECOMMENDATION

That:

1. The Report titled 2015/2016 Financial Year Annual Environmental Health report is received.
2. The 2015/2016 Financial Year Annual Environmental Health Report provided as attachment 1 to this report is submitted to the Chief Public Health Officer.

Eastern Health Authority

101 Payneham Road, St Peters SA 5067

2015 / 2016 FINANCIAL YEAR ANNUAL ENVIRONMENTAL HEALTH REPORT

Reporting period: 1 July 2015 to 30 June 2016
THE SOUTH AUSTRALIAN PUBLIC HEALTH ACT 2011

The aim of this report is to assist the Minister for Health and the Chief Public Health Officer and their delegates to perform their functions under the following sections of the *South Australian Public Health Act 2011*:

s17(1) The Minister's functions in connection with the administration of this Act include the following (to be performed to such extent as the Minister considers appropriate):

- (a) to further the objects of this Act by taking action to preserve, protect or promote public health within the State;*
- (b) to promote proper standards of public and environmental health within the State by ensuring that adequate measures are taken to give effect to the provisions of this Act and to ensure compliance with the Act.*

s21(1) The Chief Public Health Officer's functions are as follows:

- (b) to ensure that the Act, and any designated health legislation, are complied with;*

s23(1) The Chief Public Health Officer is required to prepare a written report every 2 years about—

- (a) public health trends, activities and indicators in South Australia*

It is requested that all councils complete and submit this report by 30 September 2016.

When completing this report, please add rows to tables as necessary.

1 ENVIRONMENTAL HEALTH WORKFORCE

1.1 Authorised officers (s44)

Please provide a list of all persons currently authorised by the authority pursuant to s44 of the Act on 30 June 2016 in the following format. This is requested to confirm that the Chief Public Health Officer's notification register is up to date.

Authorised officer's full name	Employment type (PFT, PPT, CE or CNE)	Date authorised	Approved qualification number	Environmental health experience (years/months)	Average EH hours worked per week
Travis John	PFT	6 Aug 2014	8	8 yrs 6 mths	38
Bradley Prosser	PFT	6 Sep 2013	9	3 yrs 3 mths	38
Tina-Marie Aghiana	PPT	6 Sep 2013	8	7 yrs 4 mths	30.4
Nathan Emes	PFT	23 Nov 2015	9	10 mths	38
Vicki Burns	PFT	21 Mar 2016	21	2 yrs	38
Shraddha Adhikari	PFT	21 Mar 2016	9	6 mths	38
Luke Smith	PFT	21 Mar 2016	9	6 mths	38
Nadia Conci	PFT	6 Sep 2013	8	16 yrs 4 mths	38
Michael Livori	PFT	6 Sep 2013	6	31 yrs	38

Notes:

Employment type: PFT: Permanent fulltime, PPT: Permanent part time, CE: Contract employee, CNE: Contract non-employee.

Approved qualification number: Please refer to the list of approved qualifications for the appointment of local authorised officers.

[<ctrl+click here to follow link>](#)

Average EH hours: Please indicate the average number of hours the individual spends working on environmental health related tasks and activities (including food safety, administrative, strategic, management and policy related tasks) for council per week.

1.2 Were any environmental health positions vacant on 30 June 2016?

- No – proceed to section 1.3
- Yes – complete the table below

Please provide information on all authorised officer positions vacant on 30 June 2015 in the following format.

Position title	Employment type (PFT, PPT, CE or CNE)	Average EH hours per week	Term of contract (if applicable)	Duration position has been vacant
Environmental Health Officer	PFT (1.2)	45	n/a	6 mths

1.3 Any additional comments relating to environmental health workforce

It remains difficult to find appropriately qualified Environmental Health Officers.

2 SA PUBLIC HEALTH ACT & REGULATIONS - ENFORCEMENT

2.1 Were any section 92 notices issued under the Act during the reporting period?

- No – proceed to section 2.2
 Yes – proceed to section 2.1.1

2.1.1 In total, how many section 92 notices were issued during the reporting period.

Four

2.1.2 Please provide a summary of the matters that section 92 notices were issued to deal with.

1. Emergency Public Health Notice issued relating to severe domestic squalor. The complaint involved SAPOL and Families SA. The property was deemed a serious risk to public health and the Notice stipulated that the property must not be inhabited until the requirements of the Notice were completed. Resident/property owner was issued the Emergency Notice verbally and this was confirmed in writing with a Notice to Secure Compliance with the General Duty the following day. The Authorised Officer worked collaboratively with the Red Cross and Families SA to assist the resident. A Notice of revocation was issued to grant the resident an extension of time to comply with all requirements.
2. Notice of Intention to Secure Compliance with the General Duty was issued to a resident/property owner concerning poor animal keeping practice, excessive accumulation of food waste and animal faeces, vermin infestation and containers of stagnant water allowing growth of mosquito and mosquito larvae. Notice to Secure Compliance with General Duty was issued three weeks later. The resident complied with all actions within the specified times.
3. Notice to Secure Compliance with the General Duty was issued to a resident concerning a serious vermin infestation of a property resulting from poor animal keeping practices and accumulation of animal faeces and food waste. The resident complied with all requirements within the specified times.
4. Compliance Notice was issued to the operator of a public swimming pool for failing to maintain the free chlorine at the prescribed level, inadequate cyanuric acid levels and failing to provide records of manual tests. The pool was closed and reopened the following day once the operator had complied with all requirements in the Notice.

2.1.3 Was action taken on non-compliance with any section 92 notices issued (s.93)?

- No – proceed to section 2.1.4
 Yes – complete the table below

Details of action taken	Costs recoverable

2.1.4 Were any expiation notices issued or prosecutions commenced for failure to comply with a section 92 notice (s.92.10)?

- No – proceed to section 2.1.5
 Yes – complete the tables below

Expiation notices issued

Date expiation notice issued (when)	Details of the failure to comply	Was the expiation notice paid, withdrawn or did the recipient elect to be prosecuted?

Prosecutions commenced

Date prosecution commenced (when)	Details of the failure to comply	Details and outcome of prosecution

2.1.5 Were any section 92 notices reviewed or appealed (s.95-96)?

No – proceed to section 2.1.6

Yes – complete the table below

Review or appeal?	Summary of findings/outcome of review or appeal

2.1.6 Any additional comments relating to section 92 notices

2.2 Were any expiation notices issued or prosecutions commenced for material or serious risks to public health during the reporting period?

No – proceed to section 2.3

Yes – complete tables 2.2.1 - 2.2.3 below

Please provide details on all expiation notices issued and prosecutions commenced by the authority on persons causing material or serious risks to public health between 1 July 2015 and 30 June 2016 in the following format.

2.2.1 s57 – Material risk to public health – expiation notices issued (\$750)

Date notice issued (when)	Details of the material risk to public health (what)	Was the expiation notice paid, withdrawn or did the recipient elect to be prosecuted?

2.2.2 s57 – Material risk to public health – prosecutions

Date of offence	Person prosecuted (who)	Details of the material risk to public health (what)	Details and outcome of prosecution

2.2.3 s58 – Serious risk to public health – prosecutions

Date of offence	Person prosecuted (who)	Details of the serious risk to public health (what)	Details and outcome of prosecution

2.2.4 Any additional comments relating to material or serious risks to public health

2.3 Were any other expiation notices issued or prosecutions not previously covered commenced for breaches of the Act during the reporting period?

No – proceed to section 2.4

Yes – complete the table below

Please provide details on all expiation notices issued and prosecutions commenced by the authority during the reporting period.

Section.	Type	No. of expiations issued	No. of prosecutions commenced	Comments
46(4)	Authorised officer identity card – failure to surrender	N/A		
47(6)	Hindering or obstructing an authorised officer	N/A		
49(2)	Failure to provide information			
92(11)	Hindering or obstructing a person complying with a notice	N/A		
104	Provision of false or misleading information	N/A		
Totals				

2.4 South Australian Public Health (General) Regulations 2013

2.4.1 Please complete the table below to indicate routine inspections of public pools and spas conducted during the reporting period to confirm compliance with the regulations and to minimise the incidence of water borne illness.

Type of public pool	No. of known pools in council area	No. of pools inspected at least once for compliance	Please provide details of any regularly encountered non-compliance issues
Swimming pool	33	33	Inadequate or high free chlorine and pH levels High combined chlorine levels Inconsistent recording of manual test Poor structural maintenance No or inadequate corrective action taken
Spa pool	4	4	High combined and free chlorine levels Inconsistent recording of manual test Maintenance of auto dosing equipment No or inadequate corrective action taken
Hydrotherapy pool	2	2	nil
Waterslide	0	0	n/a
Other	0	0	n/a
Totals	39	39	

2.4.2 Were any expiation notices issued or prosecutions commenced under the General Regulations during the reporting period?

No – proceed to section 2.4.3

Yes – complete the table below

Please provide details on all expiation notices issued and prosecutions commenced by the authority during the reporting period.

Reg. No.	Type	No. of expiations issued	No. of prosecutions commenced	Comments
7	Control of waste on premises			
8(6)	Public swimming pool requirements			
9(7)	Public spa pool requirements			
10	Obligations of public	N/A		
Totals				N/A

2.4.3 Please provide feedback for consideration in relation to the review of the South Australian Public Health (General) Regulations 2013

2.4.4 Any additional comments relating to the South Australian Public Health (General) Regulations 2013

2.4.5 Are there any unregulated interactive fountains or water play areas using recirculated water within your council area?

No – proceed to section 2.5

Yes – provide details of the facilities/features in your area

2.5 South Australian Public Health (Wastewater) Regulations 2013

2.5.1 Were any applications for wastewater works approvals received during the current or previous reporting periods?

- No – proceed to section 2.6
 Yes – complete the table below

No. of pending applications carried over from the previous reporting period	Number of new applications received during the reporting period.	No. of applications approved	No. of applications refused	No. of applications pending a decision	No. of inspections undertaken by an authorised officer in relation to wastewater works approvals
0	3	3	0	0	2

2.5.2 Do you keep a wastewater works approval register compliant with the requirements of regulation 27 of the Wastewater Regulations?

- No
 Yes

2.6 South Australian Public Health (Legionella) Regulations 2013

2.6.1 Please complete the table below to indicate inspections of high risk manufactured water systems conducted during the reporting period to confirm compliance with the regulations and to minimise the incidence of legionellosis.

Type of registered system	No. of systems on council's register	No. of systems inspected at least once for compliance by an authorised council officer. Reg. 15(1)	No. of systems inspected at least once for compliance by an independent competent person. Reg. 15(2)	No. of follow-up inspections by an authorised officer due to non compliance issues	No. of additional inspections due to complaints and disease investigations	Total no. of inspections conducted
Cooling water systems*	24	24	0	1	0	25
Warm water systems	22	22	0	0	0	22
Total	46	46	0	1	0	47

* A cooling water system may include an individual cooling tower, or a number of interconnected cooling towers that utilise the same recirculating water.

2.6.2 Please provide details of any regularly encountered HRMWS compliance issues.

Warm water systems

- Continual high counts following routine EHA sampling and failure to identify risks within warm water systems.
- Out of date or incomplete plans
- Lack of evidence and documentation following emergency decontamination
- System operators failing to have adequate knowledge of the risks of Legionella associated with warm water systems.

Cooling Towers

- Unsafe access to the top of towers for cleaning and inspection
- Poor standard of cleanliness of towers during the inspection
- Maintenance manuals being out of date or not present during the inspection
- Out of date or incomplete plans
- Unwillingness by owners to shut down a cooling tower(s) upon request, which is particularly important when undertaking a routine inspection. This raises further concerns if there was a requirement to immediately shut down a tower(s) following a high count.
- Lack of regular flushing of pipe works
- Cooling towers turned off for periods of time greater than 48hours

2.6.3 Were any expiation notices issued or prosecutions commenced under the Legionella Regulations during the reporting period?

No – proceed to section 2.6.4

Yes – complete the table below

Please provide details on all expiation notices issued and prosecutions commenced by the authority during the reporting period.

Reg. No.	Type	No. of expiations issued commenced	No. of prosecutions commenced	Comments
5(2)	Unregistered system			
6(4)	Notification of change to registration particulars.			
6(5)	Notification of permanent decommissioning or removal			
7	Automatic biocide dosing device			
8(1)	Drift eliminators			
9	Commissioning			
10(1)	System plans			
10(3)	Operation and maintenance manuals			
11	Operation and maintenance by a competent person	N/A		
12	Maintenance of cooling water system			
13	Maintenance of warm water systems			
14(1)	Log books			
14(2)	Retain log books			
17(1)	Failure to shut down or decontaminate system			
17(2)	Reporting of notifiable results within 24 hours			
18(4)	Contravention of a condition of a determination or approval			
19	False or misleading statement		N/A	
Totals				N/A

2.6.4 Were any notices issued under the Legionella Regulations during the reporting period?

No – proceed to section 2.6.5

Yes – complete the table below

Reg. No.	Notice type	No. of notices issued	No. of notices complied with by specified date/time	No. of notices not complied with by specified date/time	No. of expiations/ prosecutions for failing to comply with notice (provide details)
15(2)	Independent inspection				
16	Requirement for microbiological testing				

2.6.5 Please provide feedback for consideration in relation to the review of the South Australian Public Health (Legionella) Regulations 2013

2.6.6 Any additional comments relating to the Legionella Regulations

3 South Australian Public Health (Severe Domestic Squalor) Policy 2013

3.1 Were any cases of hoarding and/or domestic squalor investigated in your area during the reporting period?

- No – proceed to section 4.1
 Yes – complete the table below

Please provide the following details on the cases of hoarding and/or domestic squalor investigated during the reporting period.

Total number of cases investigated	Total number of Preliminary Notices issued under Section 92(2)(b)	Total number of General Duty Notices issued under Section 92(1)(a)	Total number of Risk to Health Notices issued under Section 92(1)(b)
9	1	3	0

3.2 Is the South Australian Severe Domestic Squalor Scale (Appendix 2 – A Foot in the Door) used for the assessment of cases of domestic squalor?

- Yes – proceed to section 3.3
 No – describe what other processes or tools are used.

3.3 Are you involved in an interagency squalor group?

- No – proceed to section 3.4
 Yes – provide details on the group and the agencies involved.

EHA continues to lead the Eastern Hoarding and Squalor Group (the Group). The Group continued into its fourth successful year and met three times. The purpose of the Group is to provide a collaborative forum for Environmental Health Officers (EHOs) representing nine Eastern Metropolitan Councils and representatives from Government and non-Government agencies to discuss squalor and hoarding and services and resources available to resolve these issues. There was a strong attendance from organisations such as:

- South Australian Metropolitan Fire Service
- Red Cross
- Dom Care
- HACC Services from Constituent Councils.
- MIND Australia
- Eastern Collaborative Project
- City of Tea Tree Gully
- City of Unley
- Adelaide Hills Council
- Professional Services
- Clearspace
- Hutt St Centre
- Uniting Communities
- Housing SA
- Disability SA

3.4 In instances of severe domestic squalor where a breach of the general duty or a risk to public health has been identified, what public health risks have been associated with these cases?

- Significant pest activity (rats, mice, cockroaches)
- Poor animal keeping practices
- Significant hoarding. In some cases the hoarding prevented the accessibility to hand basins, showering facilities and kitchen sinks
- Toilets that are not working or are unclean
- Leaking pipes from sinks
- Rotted food
- Used syringes
- Soiled bedding
- Human and animal faeces present on floors within the home

3.5 Have situations of hoarding and/or domestic squalor been encountered where the application of the Act has been deemed inappropriate?

- No – proceed to section 3.6
 Yes – What alternative approaches or legislation were used in these cases?

Issues relating to unsafe building structures, overgrown vegetation, the keeping of a large number of animals on a residential property in a medium-density area have been managed by Council Planning Officers and General Inspectors under the Local Government and Development Acts.

3.6 Has the South Australian Public Health (Severe Domestic Squalor) Policy 2013 and associated guideline ‘A Foot in the Door’ assisted you in the administration of the Act and in the resolution of cases of severe domestic squalor?

- Yes
 No – provide an overview of your experiences

3.7 Any additional comments on the South Australian Public Health (Severe Domestic Squalor) Policy 2013?

Ability to use the Severe Domestic Squalor Assessment tool and the Severe Domestic Squalor Policy has been useful and made it easier for officers to justify issuing Section 92 Notices. This tool enabled the EHO's to assess the risk on a case by case basis and provide clear guidance where the application of SA Public Health Act 2011 was required.

4 The draft South Australian Public Health (Clandestine Drug Lab) Policy 2014**4.1 Were any clandestine drug laboratories reported and/or investigated in your area during the reporting period?** No – proceed to section 5.0 Yes – complete the table below**Please provide details on all clandestine drug laboratories reported and/or investigated during the reporting period.**

Total number of clan labs notified	Total number of clan labs assessed		Total number of clan labs completely remediated		Total number of clan labs currently being remediated		Total number of clan labs declared unfit for human habitation	Total number of clan labs demolished
	Through agreement	Through Notice (s.92)	Through agreement	Through Notice (s.92)	Through agreement	Through Notice (s.92)		

4.2 Was a site inspection undertaken of any of the clandestine drug labs listed above? Yes - total number of inspections undertaken ____ No – proceed to section 4.3**4.3 Has the draft South Australian Public Health (Clandestine Drug Laboratory) Policy 2014 and the associated ‘Practice Guideline for the Management of Clandestine Drug Laboratories’ assisted you in the administration of the Act and in the remediation of clandestine drug laboratories?** Yes No – provide an overview of your experiences**4.4 Any additional comments on the draft South Australian Public Health (Clandestine Drug Laboratory) Policy 2014?**

5 Environmental Health Complaints/Customer Requests

Please complete the table below to indicate the number of environmental health complaints and customer requests received and actioned during the reporting period. Please change category names or add new categories according to council's complaint/customer request recording system.

Type of complaint / customer request (category)		Number received
Public Health - Air Quality		17
Public Health - Animal Keeping		10
Public Health - Hazardous Substances		3
Public Health - Notifiable Disease	Salmonella	10
Public Health - Notifiable Disease	Other	2
Public Health - Notifiable Disease	Legionella	4
Public Health - Notifiable Disease	Gastrointestinal Outbreak	10
Public Health - Notifiable Disease	Cryptosporidium	5
Public Health - Notifiable Disease	Campylobacter	3
Public Health - Other		3
Public Health - Sanitation	Swimming Pools	1
Public Health - Sanitation	Severe Domestic Squalor	9
Public Health - Sanitation	Hoarding	12
Public Health - Sanitation	General	33
Public Health - Sanitation	Beauty/Skin Penetration	3
Public Health - Sanitation	Accommodation Standards	2
Public Health - Stormwater discharge		16
Public Health - Vector Control	Rats/Mice	108
Public Health - Vector Control	Pigeons	1
Public Health - Vector Control	Mosquitoes	9
Public Health - Vector Control	Cockroaches	4
Public Health - Wastewater		4

Person to contact regarding the contents of this report:

Nadia Conci

24/08/2016

Name

Date



Signature

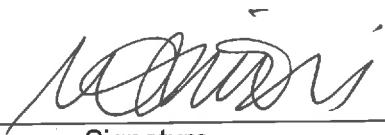
Endorsed by Chief Executive Officer/delegated person:

Michael Livori

24/08/2016

Name

Date



Signature

Please submit your completed report by 30th September 2016 in electronic copy emailed to:

HealthProtectionPrograms@health.sa.gov.au

This template will be reviewed annually.

7.1 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW AND REMUNERATION REVIEW

Author: Cr Anne Monceaux
Chair CEO Performance Review Committee

Ref: AF11/327

RECOMMENDATION 1

That pursuant to Section 90(2) of the Local Government Act 1999 the Board orders the public be excluded, with the exception of the Chief Executive Officer, Michael Livori, on the basis that it considers it necessary and appropriate to act in a meeting closed to the public in order to discuss and consider Item No 7.1 - in confidence. The Board is satisfied with the principle that the meeting should be conducted in a place open to the public has been outweighed in relation to the matter under consideration because:

- The information is of the nature specified in Subsection 90(3)(a) of the Local Government Act 1999, being information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs, being the performance and remuneration of the Chief Executive Officer.

RECOMMENDATION 3

In accordance with Section 91 (7) and (9) of the Local Government Act 1999, the Board of Management (Board) orders that in relation to the Chief Executive Officer Performance and Remuneration Review Report, all relevant documentation having been considered by the Board in confidence under Section 90 (3) (a) be kept confidential and not available for public inspection on the grounds that it involves information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of the Chief Executive Officer.

This order shall operate for a period of 12 months and will be reviewed annually.

Mr Michael Livori
101 Payneham Rd
St Peters
SA 5069



17 Aug 2016

Dear Mr Livori,

Re: Feasibility of participation in a funded Meningococcal B vaccine study conducted through schools in South Australia.

SA Health and the University of Adelaide are considering the feasibility of conducting a large clinical study to look at the impact of meningococcal B (Men B) vaccination in older adolescents. If approved by the Research Ethics Committee, we are seeking your in-principle agreement to be involved in the delivery of the vaccine along lines similar to the school immunisation program. The trial will be funded by the vaccine manufacturer GlaxoSmithKline, as will the service provision.

Meningococcal disease, although rare, can have devastating effects on those who contract the disease, and their families. With the most sensitive reporting system in the country, South Australia has the highest notification rate of meningococcal disease in Australia and almost all cases are due to the meningococcal B strain. Around 25-30 cases of meningococcal disease are diagnosed each year in South Australia, the majority of which occur in children and adolescents.

Around 10% of adolescents and up to 20% of young adults carry the meningococcus bacteria asymptotically in their throat (known as “carriage”), with the potential to infect others. This clinical study will measure whether the Men B vaccine has an impact on the “carriage” of the meningococcus. In 2003 a meningococcal C (Men C) vaccine program was added to the National Immunisation Program (NIP) for infants at 12 months of age and offered to all primary and high school children as catch up through the school immunisation program. The impact of the Men C vaccination program has been significant and the C strain of the disease has almost disappeared in Australia, making the Men C vaccine cost effective. Part of the success is attributed to herd immunity, where those not vaccinated also receive protection as there is a reduction in the amount of the C strain bacteria within the community. However, other strains of meningococcal bacteria continue to be transmitted within the community with the B strain now responsible for most reported cases of meningococcal disease in South Australia and nationally.

A Men B vaccine (Bexsero) is available in Australia and is recommended by the Australian Technical Advisory Group on Immunisation (ATAGI) for infants and adolescents. Parents wishing to vaccinate their child can obtain the vaccine through their GP at a cost of around \$300 per person (2 doses for adolescents). The Men B vaccine is not currently available free through the NIP as more data are required to demonstrate whether a herd immunity effect similar to that seen with Men C vaccine occurs for it to be cost effective. That is what this study is designed to find out.

The study will involve obtaining parental consent to offer 2 doses of Men B vaccine to adolescents in years 10, 11 and 12 in all schools during 2017 and to year 10 students in 2018 & 2019. Immediately

prior to receiving dose 1 of the vaccine, a throat swab will be collected. Follow-up swabs will be taken at 6-12 & 24 months post vaccination 2 (if the participant is still in high school).

The Men B vaccine has a proven safety profile with more than 6 million doses administered to children globally. The study has the support of SA Health, the University of Adelaide, the Department of Education and the Women's and Children's Health Network. Preliminary discussions with some metropolitan councils have been very positive, but it is important that all Year 10, 11 and 12 students in South Australia are offered the vaccine in the first year to ensure that the study can provide the best information.

The best model of delivery of the vaccine to adolescents is through processes established for the highly successful school immunisation program. As your organisation is a school immunisation provider, please indicate your willingness to consider the feasibility of offering the MenB vaccine study through the school immunisation program delivery model during 2017 -2019 by signing and returning the Attachment by the 25th August.

Understandably, your agreement to be involved will require your assessment of the feasibility and funding offered to deliver the MenB vaccine. If you do agree to participate, a specific funding agreement will be mailed to you for consideration once ethics approval is met. You are not being asked to participate in this program within the existing funding of the school-based program, rather the University of Adelaide will provide the funding for additional nurses to collect throat swabs and provide vaccinations in partnership with the vaccine manufacturer. We propose an upfront payment of \$45 for distribution and collection of consent forms, taking of the initial swab from each consented student, and delivery of 2 doses of the vaccine (2 encounters), with additional \$15 per student for collection of subsequent swabs after 6 and 12 months. A guarantee of funding for 70% of the cohort will be provided based on student year level numbers, and further payment at the same rates for any eligible students vaccinated and having swabs collected in excess of the 70%.

If you have any questions or require further information please contact A/Prof Helen Marshall on 81618 115 or helen_marshall@adelaide.edu.au or Ms Su-san Lee 8161 8117 su-san.lee@adelaide.edu.au.

We encourage you to support this beneficial and very important study.

Yours sincerely



A/Prof Helen Marshall
Director, VIRTU, Women's and Children's Hospital
NHMRC Senior Research Fellow, University of Adelaide
Deputy Director, Robinson Research Institute
Principal Research Fellow, SAHMRI



A/Prof Ann Koehler
Director
Communicable Disease Control Branch
SA Health

ATTACHMENT

**Please indicate your interest by signing the appropriate box and email to Susan Lee
(su-san.lee@adelaide.edu.au).**

Eastern Health Authority

Michael Livori

101 Payneham Rd

St Peters 5069

Yes I am willing to receive and consider the funding agreement to support the SA Men B vaccine carriage study to be conducted across South Australia on the condition ethics approval is met.

Signed.....

Print name.....

Comments

No I am not willing to consider the funding agreement to support the SA Men B vaccine carriage study to be conducted across South Australia on condition ethics approval is met.

Signed.....

Print Name.....

Comments



Mr Michael Livori
 Chief Executive Officer
 Eastern Health Authority
 PO Box 275
 Stepney SA 5069

RECEIVED
 18 JUL 2016

BY:

Public Health Services
 Citi Centre Building
 11 Hindmarsh Square
 Adelaide SA 5000
 PO Box 6
 Rundle Mall SA 5000
 DX 243
 Tel 08 8226 7100
 Fax 08 8226 7102
 ABN 97 643 356 590
www.health.sa.gov.au

Dear Mr Livori

RE: COUNCIL INVOLVEMENT IN SALMONELLA OUTBREAK INVESTIGATION

I would like to sincerely thank your Council for its involvement in the recent *Salmonella* outbreak investigation, the largest food borne disease outbreak in South Australia (SA) for 17 years.

Investigation of the food supply chain was a key line of evidence in identifying the source of the outbreak. This could not have been accomplished as quickly without assistance from your Council's Environmental Health team.

The achievements of your Environmental Health Officers are recognised at the state level, both by SA Health and Primary Industries and Regions SA. Furthermore recognition was received at the national level, from food regulators via the National Food Incident Response Group and food epidemiologists via OzFoodNet.

Involvement in a public health emergency such as a *Salmonella* outbreak requires a significant commitment over and above normal work duties. The success of a state wide outbreak investigation such as this is dependent upon the collective contribution of all Councils involved and I thank you again for your Council's valuable efforts.

Yours sincerely

DR KEVIN BUCKETT
A/CHIEF PUBLIC HEALTH OFFICER
SYSTEM PERFORMANCE AND SERVICE DELIVERY

12/07/2016

cc: Senior Environmental Health Officers