

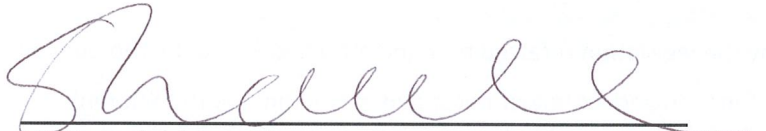
# Instrument of Delegation

## Domestic Animals & Food Acts

### Council to Council Staff

In exercise of the powers conferred by the legislation referred to in the attached Schedule, the Council:

1. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule;
2. declares that:
  - 2.1 this Instrument of Delegation is authorised by a resolution of Council passed on 29 August 2022; and
  - 2.2 the delegation:
    - 2.2.1 comes into force on 1 September 2022;
    - 2.2.2 remains in force until varied or revoked;
    - 2.2.3 is subject to any conditions and limitations set out in sub-paragraph 2.3, and the Schedule; and
    - 2.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
  - 2.3 the delegate must not determine the issue, take the action or do the act or thing:
    - 2.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of a Council Meeting; or
    - 2.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
      - (a) policy; or
      - (b) strategyadopted by Council; or
    - 2.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or
    - 2.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff or delegated committee



---

Cr Susan Laukens - Mayor



---

Bruce Dobson - Chief Executive Officer

Date: 29/8/2022

### INDEX

**Table of content**

**DOMESTIC ANIMALS ACT 1994** ..... **1**

**FOOD ACT 1984** ..... **2**

<b>DOMESTIC ANIMALS ACT 1994</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS AND LIMITATIONS</b>
s 41A(1)	Power to declare a dog to be a menacing dog	Director City Liveability Manager City Safety & Health Coordinator Community Laws	The delegate must be a Council authorised officer under section 72;

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services Team Leader Environmental Health Environmental Health Officer	If section 19(1) applies
s 19(2)(b)	Power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services Team Leader Environmental Health Environmental Health Officer	If section 19(1) applies
s 19(3)	Power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process	Chief Executive Officer Director Planning and Development Manager City Safety & Health Coordinator Health Services Team Leader Environmental Health Environmental Health Officer	If section 19(1) applies  Only in relation to temporary food premises or mobile food premises
s 19(4)(a)	Power to direct that an order made under section 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise	Chief Executive Officer Director City Liveability Manager City Safety & Health	If section 19(1) applies
s 19(6)(a)	Duty to revoke any order under section 19 if satisfied that an order has been complied with	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services	If section 19(1) applies

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 19(6)(b)	Duty to give written notice of revocation under section 19(6)(a) if satisfied that an order has been complied with	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services Team Leader Environmental Health Environmental Health Officer	If section 19(1) applies
s 19AA(2)	Power to direct, by written order, that a person must take any of the actions described in (a)-(c).	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services	Where Council is the registration authority
s 19AA(4)(c)	Power to direct, in an order made under s.19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services	Note: the power to direct the matters under s.19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution
s 19AA(7)	Duty to revoke order issued under s.19AA and give written notice of revocation, if satisfied that that order has been complied with	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services	Where Council is the registration authority
s 19CB(4)(b)	Power to request copy of records	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services Team Leader Environmental Health Environmental Health Officer	Where Council is the registration authority

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 19E(1)(d)	Power to request a copy of the food safety program	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services Team Leader Environmental Health Environmental Health Officer	Where Council is the registration authority
s 19EA(3)	Function of receiving a copy of the revised food safety program	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services Environmental Health Officer	Where Council is the registration authority
s 19GB	Power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services Team Leader Environmental Health Environmental Health Officer	Where Council is the registration authority
s 19IA(1)	Power to form opinion that the food safety requirements or program are non-compliant	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services Team Leader Environmental Health Environmental Health Officer	Where Council is the registration authority

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 19IA(2)	Duty to give written notice to the proprietor of the premises	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services Team Leader Environmental Health Environmental Health Officer	Where Council is the registration authority  Note: Not required if Council has taken other appropriate action in relation to deficiencies (see S19IA(3))
s 19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services Team Leader Environmental Health Environmental Health Officer	Where Council is the registration authority
s 19N(2)	Function of receiving notice from the auditor	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services Team Leader Environmental Health Environmental Health Officer	Where Council is the registration authority
s 19NA(1)	Power to request food safety audit reports	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services Team Leader Environmental Health Environmental Health Officer	Where Council is the registration authority



<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 19U(3)	Power to waive and vary the costs of a food safety audit if there are special circumstances	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services	
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services Team Leader Environmental Health	Except for an assessment required by a declaration under section 19C or an inspection under sections 38B(1)(c) or 39.
s 19W	Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services Team Leader Environmental Health Environmental Health Officer	Where Council is the registration authority
s 19W(3)(a)	Power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services Team Leader Environmental Health Environmental Health Officer	Where Council is the registration authority
s 19W(3)(b)	Power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services Team Leader Environmental Health Environmental Health Officer	Where Council is the registration authority

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
---	Power to register or renew the registration of a food premises	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services	Where Council is the registration authority refusal to grant or renew the registration of a food premises must be ratified by Council or the CEO (see section 58A(2))
s 36A	Power to accept an application for registration or notification using online portal	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services Team Leader Environmental Health	Where Council is the registration authority
s 36B	Duty to pay the charge for use of online portal	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services Team Leader Environmental Health	Where Council is the registration authority
s 38AA(5)	Power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services Team Leader Environmental Health Environmental Health Officer	Where Council is the registration authority
s 38AB(4)	Power to fix a fee for the receipt of a notification under section 38AA in accordance with a declaration under s.38AB (1)	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services	Where Council is the registration authority

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 38A(4)	Power to request a copy of a completed food safety program template	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services Team Leader Environmental Health Environmental Health Officer	Where Council is the registration authority
s 38B(1)(a)	Duty to assess the application and determine which class of food premises under section 19C the food premises belongs	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services Team Leader Environmental Health Environmental Health Officer	Where Council is the registration authority
s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of section 38A	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services Team Leader Environmental Health Environmental Health Officer	Where Council is the registration authority
s 38B(2)	Duty to be satisfied of the matters in section 38B(2)(a)-(b)	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services Team Leader Environmental Health Environmental Health Officer	Where Council is the registration authority

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 38D(1)	Duty to ensure compliance with the applicable provisions of section 38C and inspect the premises if required by section 39	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services Team Leader Environmental Health Environmental Health Officer	Where Council is the registration authority
s 38D(2)	Duty to be satisfied of the matters in section 38D(2)(a)-(d)	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services Team Leader Environmental Health Environmental Health Officer	Where Council is the registration authority
s 38D(3)	Power to request copies of any audit reports	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services Team Leader Environmental Health Environmental Health Officer	Where Council is the registration authority
s 38E(2)	Power to register the food premises on a conditional basis	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services Team Leader Environmental Health	Where Council is the registration authority; not exceeding the prescribed time limit defined under subsection (5).

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 38E(4)	Duty to register the food premises when conditions are satisfied	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services Team Leader Environmental Health	Where Council is the registration authority
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services Environmental Health Officer Team Leader Environmental Health	Where Council is the registration authority
s 38G(1)	Power to require notification of change of change of the food safety program type used for the food premises	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services Team Leader Environmental Health Environmental Health Officer	Where Council is the registration authority
s 38G(2)	Function of receiving notice from proprietor if there is a change of the food safety program type used for the food premises	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services Team Leader Environmental Health Environmental Health Officer	Where Council is the registration authority

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 38G(4)	Power to require the proprietor of the food premises to comply with any requirement of the Act	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services Team Leader Environmental Health Environmental Health Officer	Where Council is the registration authority
s 39(2)	Duty to carry out an inspection of the premises during the period of registration before the registration of the food premises is renewed	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services Team Leader Environmental Health Environmental Health Officer	Where Council is the registration authority
s 39A	power to register or renew the registration of a food premises despite minor defects	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services Team Leader Environmental Health Environmental Health Officer	Where Council is the registration authority  only if satisfied of matters in subsections (2)(a)-(c)
s 39A(6)	Duty to comply with a direction of the Secretary	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services Team Leader Environmental Health Environmental Health Officer	

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 40(1)	Duty to give the person in whose name the premises is to be registered a certificate of registration	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services Team Leader Environmental Health Environmental Health Officer	Where Council is the registration authority
s 40(2)	Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the <i>Public Health and Wellbeing Act 2008</i>	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services Team Leader Environmental Health Environmental Health Officer	
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services	Where Council is the registration authority
s 40D(1)	Power to suspend or revoke the registration of food premises	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services	Where Council is the registration authority
s 40E	Duty to comply with the direction of the Secretary	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services Team Leader Environmental Health Environmental Health Officer	

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 40F	Power to cancel registration of food premises	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services	Where Council is the registration authority
s 43	Duty to maintain records of registration	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services Team Leader Environmental Health Environmental Health Officer	Where Council is the registration authority
s 43F(6)	Duty to be satisfied that registration requirements under Division 3 have been met prior to registering or renewing registration of a component of a food business	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services Team Leader Environmental Health Environmental Health Officer	Where Council is the registration authority
s 43F(7)	Power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services Team Leader Environmental Health Environmental Health Officer	Where Council is the registration authority



<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 45AC	Power to bring proceedings	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services Team Leader Environmental Health Environmental Health Officer	
s 46(5)	Power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services Team Leader Environmental Health Environmental Health Officer	Where Council is the registration authority