

DA	FOOD ACT 2008 – PROHIBITION ORDERS	OLPD30
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<b>DELEGATED AUTHORITY CODE:</b>	OLPD30
<b>DIRECTORATE:</b>	Planning & Development
<b>BUSINESS UNIT:</b>	Health Services
<b>SERVICE UNIT:</b>	Health Services
<b>RESPONSIBLE OFFICER:</b>	Manager, Environmental Health Services
<b>FILE NO.:</b>	086/003
<b>DATE FIRST ADOPTED:</b>	12 December 2013
<b>DATE LAST REVIEWED:</b>	14 June 2018
<b>ATTACHMENTS:</b>	N/A
<b>VERSION NO.</b>	5

<b>Dates of Amendments / Reviews:</b>		
DAPPS Meeting:	28 November 2013 22 May 2014 2 June 2015	26 May 2016 18 May 2017 24 May 2018
OCM:	12 June 2014 11 June 2015	9 June 2016 8 June 2017

**FUNCTION DELEGATED:**

- (1) Serve a Prohibition Order on the proprietor of a food business in accordance with s65 of the *Food Act 2008 [s65]*.
- (2) Give a Certificate of Clearance, where inspection demonstrates compliance with a Prohibition Order and any Improvement Notices *[s66]*.
- (3) Give written notice to proprietor of a food business on whom a Prohibition Order has been served of the decision not to give a certificate of clearance after an inspection *[s67(4)]*.

**CONDITIONS/GUIDELINES:**

- (1) Delegates shall only act in accord with the delegated statute, inclusive of all relevant statutory limitations and powers
- (2) All transactions utilising this delegation are to be recorded in the Recording of Delegations Decisions Register by the officer responsible for initiating the action taken, or by another officer under the direction of the initiating officer

**AUTONOMY OF DISCRETION:**

Power from the Food Act 2008 is originally assigned to the Enforcement Agency (Local Government)

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**LEGISLATIVE REQUIREMENTS/COUNCIL POLICY:**

- Food Act 2008 s65(1) Prohibition Order, s66 Certificate of Clearance, and s67(4) Request for Re-Inspection
- Statutory Power of Delegation Food Act 2008, s118(2)(b) Local government (enforcement agency) may delegate a function conferred on it
- s118 (3) Delegation subject to conditions [s119] and guidelines adopted [s120]
- s118(4)Sub-delegation only permissible if expressly provided in regulations

**DELEGATE:**

Chief Executive Officer  
Director Planning and Development  
Manager Environmental Health Services

**SUB-DELEGATE/S:**

Nil (The Food Regulations 2009 does not provide for sub-delegations).