

DA	FOOD ACT 2008 – PROSECUTION	OLPD29
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DELEGATED AUTHORITY CODE:	OLPD29
DIRECTORATE:	Planning & Development
BUSINESS UNIT:	Health Services
SERVICE UNIT:	Health Services
RESPONSIBLE OFFICER:	Manager, Environmental Health Services
FILE NO.:	086/003
DATE FIRST ADOPTED:	12 December 2013
DATE LAST REVIEWED:	14 June 2018
ATTACHMENTS:	N/A
VERSION NO.	5

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

FUNCTION DELEGATED:

Institute proceedings for an offence under the *Food Act 2008 [s125]*.

CONDITIONS/GUIDELINES:

- 1) Delegates shall only act in accordance 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)

LEGISLATIVE REQUIREMENTS/COUNCIL POLICY:

- *Food Act 2008*, s125 Institution of proceedings
- 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

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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).