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| DA | FOOD ACT 2008 – PROSECUTION | |
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| 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: | 10 September 2020 |
| ATTACHMENTS: | N/A |
| VERSION NO. | 7 |

| Dates of Amendments / Reviews: | | |
|---------------------------------------|------------------|----------------|
| DAPPS Meeting: | 28 November 2013 | 18 May 2017 |
| | 22 May 2014 | 24 May 2018 |
| | 2 June 2015 | 23 May 2019 |
| | 26 May 2016 | 27 August 2020 |
| OCM: | 12 June 2014 | 8 June 2017 |
| | 11 June 2015 | 14 June 2018 |
| | 9 June 2016 | 13 June 2019 |

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 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).