

DA	FOOD ACT 2008 – PROSECUTION
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DIVISION:	Built and Natural Environment
BUSINESS UNIT:	Development Assessment and Compliance
SERVICE UNIT:	Environmental Health
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 in the City's Record Keeping system (ECM) by the delegated officer or by another officer directed by the delegated 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
Chief of Built and Natural Environment
Manager, Environmental Health

SUB-DELEGATE/S:

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