



Health

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Legal & Regulatory Services Branch

PUBLIC HEALTH DELEGATIONS MANUAL

Secretary Delegations

Amendment 122(16/07/20)

Chapter 8 - Public Health Act

- Amendment to delegation (PH281, PH291) - Authorised Officers - Appointment and certificate of authority

Chapter 12 – COVID-19 Pandemic Response – Public Health

- New temporary delegation to Department of Customer Service staff - Restrict or prohibit access to a premises

NEW and REPLACED PAGE(S)
Replaced – page 8.39 New – page 12.8

Attached is a copy of the updated pages incorporated into the Public Health Delegations Manual.

Manuals are available on the Internet at

<http://www.health.nsw.gov.au/policies/manuals/Pages/default.aspx>

If you require details of any past amendment please email MOH_CGRM@health.nsw.gov.au

AUTHORISED OFFICERS - APPOINTMENT AND CERTIFICATE OF AUTHORITY

Power to appoint an authorised officer, either generally or in relation to any particular function exercisable by authorised officers under this or any other Act relating to public health.

Subject to the delegate being of the opinion that the person being appointed as an Authorised Officer has appropriate qualifications or experience for such an appointment.

Procedures: In accordance with section 108(3) a certificate of authority is to be issued by the delegate who appoints an authorised officer.

Conditions:

- 1) The Chief Executive Officer of the NSW Food Authority can only appoint a member of staff of the NSW Food Authority to be an authorised officer and
 - a) Any appointment must be time limited, with a maximum end date of 26 March 2021, and
 - b) An authorised officer appointed must not be given the powers under s110 or s111 of the *Public Health Act 2010*.

 - 2) The Deputy Secretary, Better Regulation, Department of Customer Service can only appoint a member of staff of the Department of Customer Service and
 - a) Any appointment must be time limited, with a maximum end date of 26 March 2021, and
 - b) An authorised officer appointed must not be given the powers under s110 or s111 of the *Public Health Act 2010*.
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Refer section 126(1) & (3) and 108(3) Public Health Act 2010.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

*CHIEF HEALTH OFFICER
EXECUTIVE DIRECTOR HEALTH PROTECTION
PUBLIC HEALTH OFFICER (AS APPOINTED UNDER SECTION 121 OF THE ACT)
PUBLIC HEALTH UNIT DIRECTOR
CHIEF EXECUTIVE OFFICER NSW FOOD AUTHORITY
DEPUTY SECRETARY BETTER REGULATION, DEPARTMENT OF CUSTOMER
SERVICE*

Restrict or prohibit access to a premises

Power, by order, to direct that access to the premises be restricted or prohibited.

Condition:

This Delegation is subject to the following condition:

- 1) The delegate must take into account any advice given by a member of staff of the Ministry of Health or Health Protection NSW before exercising the power under s11 of the Public Health Act.

Note: An order under s11 of the Public Health Act must be published in the Gazette as soon as practicable after it is made, but failure to do so does not invalidate the order.

Delegates:

- Secretary, Department of Customer Service
 - Deputy Secretary, Better Regulation Division, Department of Customer Service
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Refer section 11 Public Health Act 2010

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

Term:

This Delegation is effective on and from 16 July 2020.
