

# South Australian Public Health Council (SAPHC)

Annual Report

2012-13

As required by section 35 of the  
*South Australian Public Health Act 2011*



Government  
of South Australia

SA Health

South Australian Public Health Council 2012-13 Annual Report

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## Letter of Transmittal

Hon. Jack Snelling M.P.  
Minister for Health

Dear Minister

As Presiding Member of the South Australian Public Health Council (SAPHC) appointed under the *South Australian Public Health Act 2011* (the Act), I have pleasure in presenting you with the SAPHC Annual Report 2012-13.

SAPHC was formed on the commencement of the Act on 23 February 2012.

Under section 35 of the Act, the SAPHC is required to provide to the Minister a report on its activities for the financial year ending on the preceding 30 June. Consistent with its prescribed conduct of business and functions of the SAPHC, the attached report provides an accurate account of key issues, activities and initiatives of SAPHC for the 2012-13 reporting period.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Stephen Christley', with a checkmark below it.

Dr Stephen Christley  
Presiding Member  
South Australian Public Health Council

8 April 2014

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## **Annual Report**

This report of the South Australian Public Health Council (SAPHC) for the year ending 30 June 2013 is provided pursuant to section 35 of the *South Australian Public Health Act 2011* (the Act).

## Establishment of the SAPHC

### Commencement of the South Australian Public Health Council

The SAPHC is the successor body to the Public and Environmental Health Council established under the *Public and Environmental Health Act 1987*, now repealed and replaced by the *South Australian Public Health Act 2011*.

The *South Australian Public Health Act 2011* (the Act) was passed by the South Australian Parliament on 16 June 2011.

The Act was proclaimed by His Excellency the Governor in Executive Council on 23 February 2012 with the commencement of Parts 1-5, the South Australian Public Health Council (SAPHC) was established.

### Appointment of members

His Excellency the Governor in Executive Council appointed the Chief Public Health Officer and nine members and nine deputy members who were proclaimed in the Government Gazette on 23 February 2012.

Division 3, section 26 and 27 of the Act provides for the establishment of the SAPHC as follows:

- (1) *SAPHC consists of-*
  - (a) *the Chief Public Health Officer ex officio (who will be the presiding member); and*
  - (b) *9 other members appointed by the Governor on the nomination of the Minister, of whom-*
    - (i) *2 must have experience in local government selected by the Minister from a panel of 5 nominated by the LGA; and*
    - (ii) *1 must have qualifications in public health and experience in the administration of public health at the local government level selected by the Minister from a panel of 5 nominated by Environmental Health Australia (South Australia) Incorporated; and*
    - (iii) *2 must be persons nominated by the Minister who have qualifications in public health; and*
    - (iv) *1 must have experience in the administration of environment protection laws or strategies or in environmental management, selected by the Minister from a panel of 5 nominated by the Presiding Member of the Board of the Environment Protection Authority; and*
    - (v) *1 must be a person nominated by the Minister who has experience in the field of health promotion; and*
    - (vi) *1 must be a person nominated by the Minister who has experience in the prevention and control of communicable diseases; and*

(vii) 1 must be a person nominated by the Minister who has experience in non-government community sector activities relevant to public health.

(3) The Governor may appoint a suitable person to be the deputy of a member of South Australian Public Health Council and the deputy may, in the absence of that member, act as a member of South Australian Public Health Council.

(4) The provisions of this section relating to the qualification and nomination of a member extend to a deputy of that member.

Pursuant to Division 3, section 28 of the Act, a member of the SAPHC will hold office of conditions determined by the Governor for a term not exceeding three years, specified in the instrument of appointment and will, at the expiration of a term of office be eligible for reappointment.

### SAPHC membership

Member	SA Public Health Act 2011 Section	Deputy Member	Term Expires
Dr Stephen Christley <b>(Presiding Member)</b>	20 Chief Public Health Officer	Dr Kevin Buckettt  (delegate)	22 February 2017
Mr Declan Moore	27(1)(b)(i) Local Government Association nominee	Cr Susan Lonie	22 February 2015
Dr Michael Henningsen	27(1)(b)(i) Local Government Association nominee	Cr Jillian Whittaker	22 August 2013
Ms Susan Bennett	27(1)(b)(ii) Environmental Health Australia (South Australia) Incorporated nominee	Mrs Rebekah Schubert	22 August 2013
Dr Christopher Reynolds	27(1)(b)(iii) Public Health Qualifications nominated by the Minister	Dr Katina D'Onise	22 February 2015
Professor Robyn McDermott	27(1)(b)(iii) Public Health Qualifications nominated by the Minister	Dr Lester Wright	22 February 2015
Ms Susan Churchman	27(1)(b)(iv) Environment Protection Authority nominee	Mr Peter Dolan	22 August 2013

Member	SA Public Health Act 2011 Section	Deputy Member	Term Expires
Ms Terri Lamoree	27(1)(b)(v) Experience in health promotion	Ms Christine Morris	22 February 2015
Dr Ann Koehler	27(1)(b)(vi) Experience in the prevention and control of communicable diseases	Dr Douglas Shaw	22 August 2013
Dr Amanda Rischbieth	27(1)(b)(vii) Experience in non-government community sector activities relevant to public health	Ms Wendy Keech	22 February 2015

## Functions

The functions of the SAPHC are set out in Division 3, section 31 of the Act and include:

- (a) *to assist and advise the Chief Public Health Officer in relation to:*
- (i) *the protection and promotion of public health; and*
  - (ii) *the development and maintenance of a system or strategic planning for public health at the local, regional and State-wide levels; and*
  - (iii) *the development of health plans under this Act; and*
  - (iv) *strategies to ensure that a sufficiently trained and skilled workforce is in place for the purposes of this Act; and*
  - (v) *programs to promote public health research in the State; and*
  - (vi) *the preparation of the biennial report under Division 2; and*
  - (vii) *the settings of standards and qualifications for authorised officers; and*
- (b) *any other functions assigned to the South Australian Public Health Council by this or any other Act or by the Minister or the Chief Public Health Officer.*



## Meetings

The SAPHC, as previously determined by the SAPHC, met four times throughout the reporting period. It met on 16 July 2012, 8 October 2012, 11 February 2013 and 27 May 2013. Also as previously determined by the SAPHC, in order to improve transparency and develop an understanding of its role in the overall functioning of public health in this State, summaries of the SAPHC meetings have been posted on the SA Health website ([www.sahealth.sa.gov.au](http://www.sahealth.sa.gov.au)).

## Highlights of issues addressed by the SAPHC

### **Implementation of the *South Australian Public Health Act 2011***

The Act was passed by State Parliament in June 2011. On the formation of the SAPHC in February 2012, the SAPHC was able to monitor and provide advice on the staged implementation of the Act over 2012-13. A staged approach was negotiated with the Local Government Association of South Australia (LGA) in conjunction with Environmental Health Australia. This was to ensure that there was sufficient preparation time for Local Councils (who are identified in the legislation as public health authorities for their areas) to align their procedures and systems to the requirements of the new Act. The LGA was also funded by SA Health to provide assistance and support to Local Councils over this period. The LGA and SA Health jointly prepared and delivered a workforce development strategy for environmental health officers (who are authorised officers under the Act) to prepare them to operate consistently under the new provisions of the Act. This strategy resulted in the delivery of several “short courses” over 2012-13 which engaged approximately 98% of the target workforce.

The SAPHC provided advice and monitored the development and delivery of this strategy. A number of SAPHC members provided input and delivered presentations to environmental health officers as part of the short courses.

As part of the implementation process, the SAPHC also provided advice on the development and remaking of regulations within the new legislative framework. This involved reviewing and consulting on; notifiable and controlled notifiable regulations, Cervix, General Regulations, Waste Water Regulations, all of which came into operation over the course of 2012-13 in time for the full operation of the Act which occurred on 16 June 2013.

The SAPHC also provided input and advice in the development of guidelines under section 15 of the Act. This section provides for the Minister to develop guidelines for the application of principles contained within the Act (section 5-14). Persons involved in the administration of the Act are to, where relevant in the circumstances, have regard to these principles. In a related exercise, the SAPHC also provided advice on the development of guidelines for the operation of assessments under section 56 (The General Duty) and the serving of notices (section 92) under the Act. These provide operational guidance for authorised officers.

### **Development of Public Health Policies**

Part 5 of the Act provides for the development of Public Health Policies. These policies are designed to provide for consistent approaches for preventing and managing public health issues which may be of such complexity that they do not lend themselves to the regulation making power. Work has progressed over this reporting period on the development of two

significant policies; one for the prevention and management of severe domestic squalor and the other for the remediation of clandestine drug laboratories. The SAPHC has provided input into the development of both of these policies.

### Development of the State Public Health Plan

Part 4 of the Act establishes a system of public health planning at the State and Local Government levels. Section 50 requires the Minister to develop a State Public Health Plan. This has been a particular focus for the SAPHC over the reporting period, through the provision of advice to the Chief Public Health Officer on its development.

Specifically, the SAPHC has contributed to the development of an initial set of indicators for public health, advising the Chief Public Health Officer on a range of selection criteria which could be used to identify the initial set to support public health planning. It is recognised that the health of the public can be affected by a wide range of social economic and environmental factors. This breadth of determinants for health is recognised in part 4 of the Act. In order to identify relevant aspects of this complex array of causal and risk factors it is necessary to develop a data set which is capable of describing significant issues for those charged with undertaking public health planning. Selecting from the wide range of data sources is a substantial challenge. Council spent considerable time discussing this and developing a range of selection criteria for consideration and inclusion in the State Public Health Plan.

Below are the finalised set of prerequisites and criteria for indicator selection which were included in the State Public Health Plan.

Prerequisites to indicator selection
Statistically appropriate, fit for purpose
Can be collected in a timely fashion (preferably annually)
Can be presented in a form that is suitable for multiple stakeholders including Local Government
Relevant and useful to Local Government and allows cross area comparisons
Collectable within existing data
Avoid repetition of indicators reported elsewhere
Limited to a manageable number in the first State Public Health Plan* (which can be built on in the future)

Indicator Criteria Assessment and Selection
Measure of outcome or factor that has known linkage to a positive health outcome
Aligns with relevant State government direction and priorities for public health
Evidence-based interventions exist to support the measure
Amenable to public health intervention
Improvements in this measure will improve health related quality of life (including mental health) and reduce premature mortality
Improvement in this measure will help reduce inequalities in health
Meaningful and likely to be perceived as important by the public
Meaningful and likely to be perceived as relevant by Local Government and Public Health Partner Authorities

The ongoing development of appropriate data sets and indicator sets is identified as a priority within the State Public Health Plan for this first five year cycle of the Plan. The SAPHC will continue its engagement in the development of these sets.

The SAPHC also provided advice to the Chief Public Health Officer on the overall structure and content of the draft State Public Health Plan prior to its release for public consultation in January 2013. Consolidated feedback arising from the consultation process was also reviewed and discussed by Council as part of the process for the finalisation of the Plan.

### **Development of the Chief Public Health Officer's Report**

Under section 23 of the Act the Chief Public Health Officer is required to prepare a Report bi-annually. The Chief Public Officer is required to report on;

- Public health trends, activities and indicators,
- The implementation of the State Public Health Plan, and
- The administration of the Act.

Additionally the Minister may identify an issue for inclusion in the report.

The SAPHC assisted and advised the Chief Public Health Officer in the development of this the first Chief Public Health Officer's Report (the Report). The SAPHC's advice included comment on the initial structure and content of the Report as well as providing comment on the final draft of the Report before transmittal to the Minister.

### **Food Act 2001 Memorandum of Understanding**

At its meeting on 5 October 2007, the former Public and Environmental Health Council agreed to receive reports on the progress of projects completed against the work plan established by the Memorandum of Understanding (MOU) between the Minister for Health and Ageing and the Local Government Association under the provisions of the *Food Act 2001*. This work plan was established in 2010.

The MOU reflects the shared responsibility for food safety and clarifies State and Local Government responsibilities. It includes an agreement for SA Health and the LGA to establish a work plan with aims to continuously improve food safety in South Australia. The work plan is overseen by a working group made up of representatives of SA Health, the LGA and Environmental Health Australia.

The work plan was originally developed for a two year period from 2010-12. Consequently, there was a need to review the work plan for the next two year period.

As the successor body to the Public and Environmental Health Council, the SAPHC also agreed to provide general oversight to the development of this work plan. The SAPHC received a presentation on the existing work plan and details on the process for its review and revision. At the conclusion of the reporting period, the work plan is continuing to undergo review and revision.

### **Public Health research agenda**

The SAPHC, as part of its functions, is charged with providing advice to the Chief Public Health Officer on programs to promote public health research in this State (section 31(a)(v) of the Act). The SAPHC established a small working party in 2013 to assist the Chief Public Health Officer in exploring approaches to develop a public health research agenda for South Australia. The working party reported that in addition to the SAPHC's mandate, there were at least two other bodies in South Australia with similar and complementary roles. Specifically the South Australian Health and Medical Research Institute (SAHMRI) has established a Population Health and Health and Social Policy Pillar Committee, and the Minister for Health and Ageing established the Health and Medical Research Advisory Committee under section 17(3) of the *Health Care Act 2008* in 2010.

The working party noted that there was some interlocking of membership of these Committees as well as the SAPHC. It was therefore proposed that the process of developing a Public Health Research Agenda for South Australia be sponsored jointly by the Chief Public Health Officer and the SAPHC and these two committees. The working party further proposed that the starting point for development be consideration of the research needs emerging from the State Public Health Plan and its identified priorities and that the focus be on "translational research". It was recommended that the process be developed through a workshop or series of workshops with participation from the university and research community, Local Government, "Public Health Partner Authorities" under the Act, which would include other State Government agencies and non-government organisations. It was further recommended that these be facilitated by an independent person with recognised relevant expertise. The SAPHC accepted this report and advised the Chief Public Health Officer accordingly.

## **Appendix 1 - Section 32, 33 and 34 provisions relevant to SAPHC proceedings**

### **Conduct of business**

#### *Section 32*

- (1) The presiding member of SAPHC will, if present at a meeting of SAPHC, preside at the meeting and, in the absence of that member, the members present may elect 1 of their number to preside.*
- (2) 6 members constitute a quorum of SAPHC.*
- (3) A decision carried by a majority of the votes cast by the members of SAPHC present at a meeting of SAPHC is a decision of SAPHC.*
- (4) Each member present at a meeting of SAPHC is entitled to 1 vote on a question arising for decision at the meeting and, in the event of an equality of votes, the person presiding is entitled to a second, or casting, vote.*
- (5) A conference by telephone or other electronic means between the members of SAPHC will, for the purposes of this Act, be taken to be a meeting of SAPHC at which the participating members are present if—*
  - (a) notice of the conference is given to all members in the manner determined by the members of SAPHC for that purpose; and*
  - (b) each participating member is capable of communicating with every other participating member during the conference.*
- (6) Subject to this Act, the business of SAPHC may be conducted in such way as it determines.*

### **Committees and subcommittees**

#### *Section 33*

- (1) SAPHC may establish committees or subcommittees as SAPHC thinks fit to advise SAPHC on any aspect of its functions, or to assist SAPHC in the performance of its functions.*
- (2) A committee or subcommittee established under subsection (1) may, but need not, consist of, or include, members of SAPHC.*
- (3) The procedures to be observed in relation to the conduct of a business of a committee or subcommittee will be—*
  - (a) as determined by SAPHC; or*
  - (b) insofar as a procedure is not determined by SAPHC—as determined by the relevant committee or subcommittee.*

## Delegation by SAPHC

### Section 34

- (1) *SAPHC may delegate a function or power conferred on SAPHC under this or any other Act—*
  - (a) *to a specified person or body; or*
  - (b) *to a person occupying or acting in a specified office or position.*
- (2) *A delegation—*
  - (a) *may be made subject to conditions or limitations specified in the instrument of delegation; and*
  - (b) *if the instrument of delegation so provides, may be further delegated by the delegate; and*
  - (c) *is revocable at will and does not prevent the delegator from acting personally in a matter.*

## Appendix 2 - SAPHC Fact sheet

# South Australian Public Health Council (SAPHC)

The South Australian Public Health Council (SAPHC) is the successor body to the Public and Environmental Health Council established under the *Public and Environmental Health Act 1987* which is replaced by the *South Australian Public Health Act 2011* (the Act)

### General:

SAPHC must have regard to, and seek to further, the objects of the Act (section 4(2)).

### Functions:

The functions of SAPHC are set out in Division 3, section 31 of the Act and include:

- (a) *to assist and advise the Chief Public Health Officer in relation to:*
  - (i) *the protection and promotion of public health; and*
  - (ii) *the development and maintenance of a system of strategic planning for public health at the local, regional and State-wide levels; and*
  - (iii) *the development of health plans under this Act; and*
  - (iv) *strategies to ensure that a sufficiently trained and skilled workforce is in place for the purposes of this Act; and*
  - (v) *programs to promote public health research in the State; and*
  - (vi) *the preparation of the biennial report under Division 2; and*
  - (vii) *the settings of standards and qualifications for authorised officers; and*
- (b) *any other functions assigned to the South Australian Public Health Council by this or any other Act or by the Minister or the Chief Public Health Officer.*

### Consultation:

The Act requires consultation with SAPHC on certain matters, in particular:

- the preparation of any guidelines prepared or adopted that relate to the application of the principles of the Act (section 15(2))
- a proposal of the Chief Public Health Officer to exercise any power conferred on a council under the Act (section 40)
- a proposal of the Minister to direct a council to perform a function under the Act (section 41)
- a request from a council that a function of the council under the Act be performed by the Chief Public Health Officer (section 42)
- the proposal to create or amend the State Public Health Plan (section 50(7))
- the preparation of guidelines to assist councils in the preparation of Regional Public Health Plans (section 51(6))
- the Chief Public Health Officer may refer a Regional Public Health Plan to SAPHC for consultation (section 51(14))
- any proposal to create or amend a State Public Health Policy (section 54)

### Annual Report:

The SAPHC must provide a report to the Minister each annum on its activities for the financial year. This report is laid before both Houses of Parliament by the Minister (section 35).

The Minister may also require SAPHC as a designated authority to provide a report on any matter relevant to the administration or operation of the Act (section 18(2)).

### **Composition of SAPHC:**

- (1) SAPHC consists of—
- (a) *the Chief Public Health Officer ex officio (who will be the presiding member); and*
  - (b) *9 other members appointed by the Governor on the nomination of the Minister, of whom—*
    - (i) *2 must have experience in local government selected by the Minister from a panel of 5 nominated by the LGA; and*
    - (ii) *1 must have qualifications in public health and experience in the administration of public health at the local government level selected by the Minister from a panel of 5 nominated by Environmental Health Australia (South Australia) Incorporated; and*
    - (iii) *2 must be persons nominated by the Minister who have qualifications in public health; and*
    - (iv) *1 must have experience in the administration of environment protection laws or strategies or in environmental management, selected by the Minister from a panel of 5 nominated by the Presiding Member of the Board of the Environment Protection Authority; and*
    - (v) *1 must be a person nominated by the Minister who has experience in the field of health promotion;*

*and*

- (vi) *1 must be a person nominated by the Minister who has experience in the prevention and control of communicable diseases; and*
- (vii) *1 must be a person nominated by the Minister who has experience in non government community sector activities relevant to public health*

### **Review Panel:**

A Review Panel may be constituted under section 95 where a person to whom a notice has been issued applies for a review of the notice under this section. A review panel is constituted by the Chief Public Health Officer and 2 members (including deputy members) of SAPHC and any other person/s selected by the Chief Public Health Officer.

### **Immunity:**

No personal liability attaches to a member of a body (including SAPHC) constituted under the Act for an honest act or omission in the performance, exercise or discharge, or purported performance, exercise or discharge, of a function, power or duty under the Act (section 102).

### **Protection for liability:**

As a designated authority failure to perform a function under the Act, or a breach of a duty imposed under the Act, does not give rise to any civil liability (section 103).

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## **For more information**

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