

## 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).

## For more information

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